

## SENATE—Friday, April 15, 1983

(Legislative day of Tuesday, April 12, 1983)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Our Father in Heaven, we pray for our families. As the business of the Senate increases in intensity, as pressure builds and emotions rise, as issues are complicated by disagreement and controversy, may the Senators and their staffs take more seriously than ever their obligations to spouses and children. May they refuse to allow their loved ones to be sacrificed on the altar of politics.

Deepen their awareness, that in the economy of God, the family must have priority—the Nation cannot endure disintegration of the home. In recess, grant to the Senators the will to make time for their families, however much else they have to do. If something must be neglected, let it not be their loved ones. Grant that this weekend will be a time of strengthening family ties and personal rest and relaxation as well as work. In the name of Him who said, "Come unto me all ye who labor and are heavy laden and I will give you rest \* \* \*." Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

## SENATE SCHEDULE

Mr. BAKER. Mr. President, 1 hour from this moment the Senate will go to the consideration of the reciprocity bill under the order previously entered, at which time the Kasten amendment will be the pending question.

I anticipate the Senate will not be in late today. I also anticipate that a cloture motion will be filed which will produce a vote on Tuesday under the provisions of rule XXII.

## BANKRUPTCY LEGISLATION

Mr. President, I had hoped to bring up the bankruptcy bill today if there was time for it, and I think there probably will be. But I do not think we can get to it. I am advised there is a possibility that the difficulties remaining in that bill and another bill relating to bankruptcy may be worked out. It may be a fond wish. But, in any event, there is some possibility that those

differences will be reconciled and we can get to both bills on some basis maybe Monday or at least sometime next week.

So indulging that hope, no matter how tenuous, I do not intend to try to get the bankruptcy bill up until I hear from the principals there involved.

## THE DOLE FOUNDATION

Mr. BAKER. Mr. President, yesterday in this Chamber, a man of courage proved he was a man of vision and compassion as well. The distinguished senior Senator from Kansas, and my good friend, BOB DOLE, took the occasion of the day when he was wounded in service to our country, 38 years ago, to establish a new and vital public foundation for the benefit of handicapped citizens.

On April 14, 1945, an enemy bullet entered the right shoulder of Senator DOLE which fractured his vertebra and initially paralyzed all of his extremities. During his miraculous recovery he lost over 70 pounds and saw his temperature rise to 108.7 degrees. Still he survived. In all he spent over 39 months in hospitals in Europe and at home.

In 1947, when he returned to his hometown of Russell, Kans., BOB DOLE found out that he would need additional surgery, and that it would be expensive. Almost immediately, the citizens of Russell began a fundraising effort to help with the expenses, and Senator DOLE received the surgery that he needed.

Yesterday, in announcing the formation of the Dole Foundation, which will be a public foundation aimed at educating and training handicapped individuals, Senator DOLE said:

I will never forget the help I received from the people of Russell, and I hope that in some small way I can provide help, and hope, to others who may be in similar situations now and in the future.

Mr. President, I want to congratulate Senator BOB DOLE on the creation of the Dole Foundation and I want to commend him for his empathy and conviction. I am confident that this foundation will play a large part in the lives of handicapped individuals in Kansas and across the country, and I hope the foundation meets with every success.

I will also say at this time, how grateful I am, along with everyone else who has come to know BOB DOLE, to the citizens of Russell for assisting a wounded veteran 36 years ago, and for making it possible for him to continue to serve his country in the exemplary fashion in which he always has, which we all recognize and acknowledge.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I am happy to yield.

Mr. BYRD. I suppose in a way I probably would be expected to be one of the last in the Senate to associate my remarks with the remarks the distinguished majority leader has made, and I refer to the recent election. But BOB DOLE, even though he tried to render assistance to my opponent, was always courteous to me. He never went into my State and said anything against me.

I admire him tremendously. I like his wit, I like his ability to poke fun at himself, which is a real attribute.

He has assisted me on the floor in matters that are of importance to my State of West Virginia, and he is, I think, universally recognized as an extremely capable and bright Senator.

So I will try to look ahead and not look backward. I have no malice toward BOB DOLE. He did what he thought he ought to do, I guess, in trying to strengthen the size of the present majority in the Senate.

I have a tremendous respect for him, and I think he knows it. We both joked about some of the things I referred to. But as far as I am concerned any man who puts his hand to the plow and looks backward is not fit for the Kingdom of Heaven.

So I join with the majority leader in saying that Mr. DOLE is a patriot who has served his country well, bravely, and courageously, and who still wears the marks and always will, apparently, of his service to his country.

He has likewise rendered many services to his country here in this body.

Mr. BAKER. Mr. President, I thank the Senator from West Virginia, the minority leader. He not only is the most skillful legislator I ever knew, but he is also a man of understanding and compassion. I am sure Senator DOLE will appreciate the remarks the minority leader has just made.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the distinguished minority leader under the standing order, any time remaining between the expiration or yielding back of that time and the hour of 1 p.m. today be devoted to the transaction of routine morning business in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, since there will not be very much business

transacted other than debate on the amendment which will be pending, I expect today to make another of my series of comments on the U.S. Senate.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. COHEN). The Democratic leader is recognized.

#### CENTRAL AMERICA

Mr. BYRD. Mr. President, I am extremely concerned about our role in the entire region of Central America, not just Nicaragua but also El Salvador, Honduras, and other countries, as well. I worry that the current administration is looking at this strictly in terms of a Soviet versus United States relationship, and in doing so it is myopic to our long-term interest in Central America.

I think there is a possibility that the administration's actions since coming into office may have harmed chances of having a more moderate government in Nicaragua. I think there is a possibility that the administration is undoing the stabilization that took place in Honduras during the last administration. I think there is a possibility that the administration's actions in El Salvador could bog us down in that country militarily in the years to come.

I am not an expert on Central American affairs.

But, speaking for the people of my State, which has the highest unemployment rate in the country, 21 percent, I wish the administration would be more concerned about our own people than keeping a wealthy few people in power in Central America.

I do want to learn more about the region. Over the Easter break, I sent two staff people to Mexico and El Salvador. They have made observations to me. They are in the process of preparing a report, and I shall bring this report to the attention of the Senate.

In closing, may I say that I am willing to always keep an open mind and I am willing to listen to all sides of this issue.

#### A SELFLESS ACT OF BRAVERY

Mr. BYRD. Mr. President, during the Easter recess, a dramatic rescue took place in West Virginia by a three-man crew of the Chessie System. Their selfless act of bravery saved the lives of three people, one of them an expectant mother.

This rescue took place near Hawks Nest, one of the most beautiful spots in West Virginia. The Chessie System Train No. 93 had slowed to cross the bridge at Hawks Nest when the crew heard cries from the New River, saw that a boat had capsized and three

people were floundering in the icy water. Without a thought of personal safety, the crew stopped the train and jumped in to save them. Their quick action saved the trio from almost certain death.

My attention was brought to the heroic act of these men by an article in the Martinsburg Journal on March 29. I want to share with my colleagues in the Senate this heartening story about three brave men—Jay L. Harwood of Russell, Ky.; K. W. Winters of Danville, W. Va.; and Jim Shoemaker of Huntington, W. Va., and I ask unanimous consent that the article entitled, "No. 93 Crew Pulls Three From River," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Martinsburg Journal, Mar. 29, 1983]

#### NO. 93 CREW PULLS THREE FROM RIVER

HAWKS NEST (UPI)—Ol' No. 93 never had a day quite like it. And maybe it never will again.

What normally is a serene train ride through some of the more scenic countryside of West Virginia on its run from Hinton to Russell, Ky., provided a dramatic moment Saturday.

Just as the Chessie System Train No. 93 broke its speed to accommodate a difficult turn over Hawks Nest Bridge in southern West Virginia, the crew's ears perked up to the sharp cries for help from below.

No one aboard could believe what he was hearing.

When the drama finally unfolded, they found it even harder to believe what they did in response to the life-and-death scene that took place just below them.

Underneath the bridge were three people, frantically trying to keep from drowning in the ice-laden New River. Their shouts were loud and desperate, but fell on deaf ears, until No. 93's crew heard them.

Immediately, engineer Jay L. Harwood of Russell, Ky., halted the train. Head brakeman Jim Shoemaker, Huntington, and fireman K. W. Winters, Danville, leaped into the water and brought the three to safety.

Rescued from the turbulent waters were Sonya Wood, who was five months pregnant, her husband, Craig, and their friend, Carlos Rolles, all of Fayetteville.

Chessie System spokesman Lloyd Lewis called the train crewmen true heroes, noting that had they not heard the cries for help and instantly leaped to save the trio, all three would have perished.

Only Mrs. Wood was taken to the Plateau Hospital in Fayette for treatment. She was released a few hours later. The others made it through the ordeal unharmed.

Lewis said apparently the three were test-driving the brand new boat, when the steering mechanism malfunctioned causing the small craft to capsize.

Mr. BAKER. Mr. President, I have no further need for time.

Mr. BYRD. Mr. President, I yield back the remainder of my time.

#### ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine

morning business until 1 p.m. in which Senators may speak for 5 minutes each.

Mr. BAKER. Mr. President, there is one item on the Calendar of General Orders that appears to be cleared on this side for action by unanimous consent.

Will the minority leader indicate whether he is prepared to consider Calendar Order No. 81, S. 1011, the Federal Deposit Insurance Act to provide for the issuance of income capital certificates.

Mr. BYRD. Mr. President, the Senators on my side are ready to proceed with this matter.

#### ISSUANCE OF INCOME CAPITAL CERTIFICATES

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate, S. 1011, Calendar Order No. 81.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1011) to amend the Federal Deposit Insurance Act to provide for the issuance of income capital certificates.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HATFIELD. Mr. President, I am grateful to the majority leader and to the chairman and ranking member of the Senate Banking Committee for their timely efforts in achieving an agreement on a technical change to the Garn-St Germain Depository Institutions Act.

This bill remedies an unanticipated problem that has arisen in the administration of the capital assistance provisions of last year's major banking legislation. As most Senators will recall, that legislation created a new program that will bolster the net worth of thrift institutions to enable them to survive the problems caused by persistent high interest rates.

Federal regulatory bodies have moved quickly to put this program into operation but it appears that a few financial institutions have been unable to participate because of technical problems caused by the issuance of preexisting debt obligations. We want to be sure that when the Federal Government comes to the aid of an institution through the FDIC, it has priority over other creditors. This legislation would insure that this is accomplished.

Mr. President, we must act promptly in order for the net worth assistance to be truly effective for banks now unable to qualify. Many institutions are still incurring a serious erosion of their capital positions notwithstanding



the recent decline in market interest rates. Because two quarters of net worth assistance have already been provided to participating institutions, this legislation would be effective as of the date of enactment of last year's Garn-St Germain Depository Institutions Act—October 15, 1982. Since it is a change affecting a very small number of financial institutions and is designed only to correct an unanticipated problem in last year's legislation, it should be done as soon as possible in order to allow presently disqualifying institutions to participate.

The FDIC has indicated its support of the purpose of this change, and stands ready to process the applications of those institutions which are presently ineligible. This legislation has also been cleared with the chairman and ranking members of the Senate Banking Committee. They are convinced of the need to act expeditiously on this legislation. I strongly urge the Senate to approve this technical change in order to insure that intended financial institutions can benefit from the provisions in the Garn-St Germain Depository Institutions Act.

Mr. PACKWOOD. Mr. President, I am pleased to join my colleague from Oregon in urging passage of this bill today. The purpose of this legislation is to make a technical change in last year's major banking bill—better known as the Garn-St Germain bill.

The need for this legislation became clear during the development of the capital assistance program, authorized by the Garn bill. This program is aimed at providing assistance to financially troubled thrift institutions—institutions ridden with the problems caused by year after year of high interest rates.

This program is already in operation, but it has come to my attention, and to the attention of Senator HATFIELD, that a few qualified financial institutions have been unable to take advantage of it. The problem has arisen because these institutions, in previous years, issued debt obligations barring them from granting creditor priority to anyone other than the holders of these debt obligations, including the Federal Deposit Insurance Corporation. We want to insure that if the Federal Government assists these institutions, it has priority over other creditors. This legislation achieves this goal.

Timely consideration of this bill is critical. Some of the institutions requiring this change of law in order to participate in the capital assistance program need assistance soon. The FDIC supports the goal of this legislation and the chairman of the Senate Banking Committee, Mr. GARN, has no objection to it. I, therefore, urge my colleagues to support this legislation and ask for its prompt consideration.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1011

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 13(i)(1)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1823(i)(1)(D)) is amended by adding at the end thereof the following: "Issuance of net worth certificates in accordance with this subsection shall not constitute a default under the terms of any debt obligations subordinated to the claims of general creditors which were outstanding when such net worth certificates were issued."*

(b) The amendment made by subsection (a) shall be deemed to have taken effect on the date of enactment of the Garn-St Germain Depository Institutions Act of 1982.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay the majority leader's motion on the table.

The motion to lay on the table was agreed to.

#### ORDER FOR ADJOURNMENT UNTIL MONDAY, APRIL 18, 1983

Mr. BAKER. Mr. President, on yesterday, I had an order for the Senate to convene, after a recess today, on Monday next. I now ask unanimous consent that when the Senate completes its business today it stand in adjournment until Monday next at the hour of 12 noon.

Let me say, by the way, before the Chair rules, there are other parts to this request, and parenthetically, we may change that time during the course of the day.

I further ask unanimous consent that when the Senate does reconvene on Monday next, the reading of the Journal be dispensed with, no resolution come over under the rule, the call of the calendar be dispensed with, and following the time allocated to the two leaders under the standing order and any special orders, there be a period for the transaction of routine morning business not to exceed 30 minutes in length, with Senators permitted to speak therein for not more than 5 minutes each, and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, the Senator from West Virginia, the minority leader, has apprised me of the fact that there may be a motion on Monday for a closed session. Under the rules of the Senate, of course, any Senator can make that motion. That requires only a single second, that is a second by one other Senator, to put the Senate in closed session.

As the minority leader knows, I am not in a position at this time to agree to such a session, but I appreciate his advising me that such a motion may be made on Monday. It may be that we will wish to readjust the time for the convening of the Senate, or even the order of precedence of business, given the fact that, in order to go into closed session, certain requirements are necessary to secure this Chamber. Senators are on notice that the time, therefore, of noon on Monday for the convening of the session may be changed. I express my appreciation to the minority leader for advising me in advance of that possibility.

Mr. BYRD. I thank the Senator.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

#### FLORENCE BARR RETIRES

Mr. PROXMIRE. Mr. President, I would like to take this opportunity to acknowledge the retirement of Florence Barr, the chief clerk of the Senate Committee on Banking, Housing, and Urban Affairs.

The Senate Banking Committee, and indeed, the U.S. Senate, has benefited by her devotion, loyalty, and faithfulness throughout her 30 years of service.

During those 30 years of allegiance, Florence has been attentive, thoughtful, enthusiastic, and efficient. In short, she cares. And to show Florence that we care, I am taking this moment to thank her for those years of hard work and, above all, to let her know how we value knowing her.

We wish you good luck, good health, and enjoyment in your new life. Florence, we will miss you. Please keep in touch with your many friends in the Senate.

#### NUCLEAR PROLIFERATION THE NO. 1 THREAT TO HUMAN SURVIVAL

Mr. PROXMIRE. Mr. President, most of us have focused our fears of a nuclear war on the Soviet Union. We have devoted increasingly large expenditures to meeting the nuclear challenge from Russia. A vigorous debate has continued for years as to whether the Soviets have superior nuclear forces, whether we need to pro-

ceed with a variety of nuclear weapons to deter a possible Soviet preemptive nuclear strike.

Mr. President, I think we have been looking in the wrong direction. I think the odds of a nuclear war starting between the U.S.S.R. and the United States in the next 20 years are less than 1 in 10. On the other hand, I believe that the prospects of a nuclear war breaking out involving other nations in the next 20 years is better than 50-50. Furthermore, I think the chances are very strong that such a war once begun would escalate into a nuclear war involving the United States and the Soviet Union. Once a nuclear war begins, there are many ways in which it could spread, and it would be very hard, indeed, to stop. After all, within 20 years 25 or 30 nations will have at least a beginning nuclear arsenal. Even small countries will have the capability of destroying every major American city. All of this will happen unless we promptly get serious about stopping nuclear proliferation. The know-how necessary to build nuclear weapons has spread like wildfire. All any number of nations need to have this ultimate military power is plutonium. And the supply of plutonium is beginning to explode, thanks to weak, vacillating antiproliferation policies by this administration as well as our allies.

Mr. President, this terribly dangerous story of the spread of plutonium was told recently by the Cox newspapers in their excellent report on the nuclear dilemma. I ask unanimous consent that the article by Andrew Glass entitled "Plutonium Spread Escalates Chances for Nuclear War" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**PLUTONIUM SPREAD ESCALATES CHANCES FOR NUCLEAR WAR**

(By Andrew J. Glass)

On the 41st anniversary of Pearl Harbor, Pakistan's military-bred ruler, Mohammad Zia ul-Haq, making his first visit to the United States, solemnly declared to Ronald Reagan in the Oval Office that Pakistan had no interest in building nuclear weapons.

After Reagan and Zia parted, an administration official told reporters: "We accept that the president of Pakistan is telling us the truth." The briefer observed that Reagan had championed \$3.2 billion in assistance to Zia's regime—an aid package aimed in large part at inducing Pakistan not to go nuclear.

But across the Potomac, at the Central Intelligence Agency, these words rang hollow. The CIA has a fat folder crammed with documents that point to one clear fact: Pakistan poses a substantial threat to any hope of stopping the runaway spread of atomic bombs.

Near Islamabad, the Pakistanis have secretly built a laboratory designed to reprocess spent nuclear fuel into plutonium. At Chasma and Rawalpindi, construction is underway on larger reprocessing plants for separating plutonium. It is this deadly

metal which provides the easiest path toward acquiring nuclear weapons.

At Kahuta, the Pakistanis are building a plant that can yield highly enriched weapons-grade uranium. This is yet another path toward joining the world's exclusive nuclear-weapons club—a path that the CIA believes uranium-laden South Africa is also following.

At Paradise Point, a desolate spot on the Arabian Sea near Karachi, the Pakistanis have built a modest nuclear power plant. To run it, they could get along without reprocessed plutonium or highly enriched uranium. For nuclear weapons, these materials are basic.

The word proliferation is often used as kind of shorthand for the detonation by a state of its first nuclear explosion.

Yet a nuclear test does not necessarily cause a country to become a nuclear power. India is one example. As a 1979 CIA study notes: "India has detonated a 'device,' (in 1974) but probably has less ability to deliver a usable nuclear weapon than Israel, which has not."

And a country can become a nuclear power without conducting a nuclear test. Israel is a clear example; according to the CIA, Pakistan may soon become another.

The emphasis on a successful test fails to recognize that even though a nation might not be able to deliver—or even produce—a usable weapon, it can accumulate the knowledge and industrial capacity to quickly arm itself—to go nuclear—without ever conducting a test.

"In a general arms race, Japan, West Germany and Sweden could probably arm in large numbers more readily than Israel, India or Taiwan," says a CIA study. "The continued spread of nuclear materials, technologies, equipment and trained personnel accompanying the worldwide development of commercial nuclear power, and the attendant increase in the generally achievable level of sophistication and information, increasingly leads to a condition that has been characterized as 'latent' proliferation," the CIA report concludes.

The CIA warns that in the 1990s "a large number of nuclear reactors will be in operation around the world. They will be present on all continents, and at least 50 countries will have the capability to develop nuclear weapons."

Yet for the purposes of its study, the CIA concludes that perhaps two dozen or fewer countries—of varying motivations and capabilities—will have developed or otherwise acquired a nuclear weapons capability. They include: Argentina, Brazil, Iran, Israel, Egypt, Iraq, Japan, South Korea, Taiwan, Spain, West Germany, Yugoslavia, India, Pakistan, Libya, South Africa, Greece and Turkey.

The real key to their nuclear potential—and the world's uncertain fate—is plutonium, a radioactive silvery metal whose name derives from an ancient Greek god who presided over Hell—stern and pitiless, unmoved like death itself by prayer or sacrifice.

Plutonium retains its radioactivity for a quarter of a million years. If it had been stored in the Great Pyramids of Egypt, 2,500 years before the birth of Christ, it would still be 90 percent as lethal as when they were built.

Until World War II, plutonium was found only in traces of natural uranium deposits. Today, most plutonium exists as the spent waste of nuclear power plants. It is produced when uranium fuel rods are irradiated in the cores of nuclear reactors. Some of

it has been extracted, or reprocessed, to make nuclear weapons in the United States, the Soviet Union, France, Britain and China.

Consider the dimensions of the problem:

There are 286 commercial reactors operating in the non-communist world. They provide 165,000 megawatts—or some 9 percent of the non-communist world's electrical power. Each one is also a potential source of bomb-plutonium.

The typical nuclear power plant produces, as a waste by-product, up to 600 pounds of plutonium annually. In theory, that's enough to produce about 35 atomic bombs of the type and force that devastated Nagasaki in 1945.

Commercial recovery of plutonium from spent fuel is already underway in Great Britain, France, Italy, Japan and India. Paul Leventhal, a Washington-based nuclear watchdog, estimates that by 1990 world stockpiles of plutonium available for reprocessing will amount to 760 tons. That's enough to produce 95,000 nuclear bombs. By the beginning of the 21st century, that figure could climb to 2,700 tons, or enough for some 337,500 bombs.

Shortly before leaving office, President Gerald Ford called for a halt in the rush to plutonium as a nuclear fuel until, he said, "the world can effectively overcome the associated risks of proliferation." Ford then took the United States out of the plutonium-making business. It was a policy that his successor, Jimmy Carter, adhered to, despite strong protests from the nuclear industry and America's industrialized allies.

By contrast, the Reagan administration said it would deal with the world as it really is. It has eased nuclear export controls to those countries which seem to pose little or no proliferation risk. Yet restraints also have been eased for sales to South Africa, which presents one of the world's most serious proliferation problems.

In some cases, the administration has stepped up enforcement of the 1978 Nuclear Non-Proliferation Act. It has targeted those countries it suspects already have or are trying to acquire the means to build their own nuclear weapons: Pakistan, Brazil, Argentina and Israel.

"They are very tough," a West German nuclear official said. "What we think is overlooked in the United States is that Reagan—as far as the way he implements the (law) in countries other than his allies, is much tougher than Carter was."

In 1925, two decades before the blood-red dawn of the atomic age over Hiroshima, Winston Churchill wrote: "Might not a bomb no bigger than an orange be found to possess a secret power to destroy a whole block of buildings, nay, to concentrate the force of a thousand tons of cordite and blast a township at a stroke?"

The runaway plutonium glut increases the risk that today's leaders will not have to wait as long as Churchill did in order to realize their own nuclear dreams—and, consequently, our own nuclear nightmare.

## VOICES FROM THE HOLOCAUST

Mr. PROXMIRE. Mr. President, throughout the week, the Senate has paid tribute to the Holocaust and its victims. This body is only one of many commemorating the American Gathering of Jewish Holocaust Survivors. We are joining millions of people from all



walks of life in their efforts to honor the 6 million Jews who died under the regime of Adolph Hitler. We hear the stories, relive the fears, and feel the pain. Above all, we share the hopes that such a tragic event will never be repeated. Still, only the survivors themselves can feel the real pain. And only the survivors themselves can tell the real stories.

This week, 10,000 Jewish Holocaust survivors are gathered in Washington to share such experiences. Each survivor brings personal memories of the years from 1933 to 1945. They speak of the warning signs—how they could not leave their houses during certain times of the day. They speak of the roundup—how German soldiers entered their homes where they were hiding. They speak of the camps—how they were tortured and forced to live like animals. They speak of their liberation—how they were faced with the sudden fear of having no family and having no country. And they speak of the future—how they must do everything possible to prevent another similar act of genocide.

Mr. President, the Genocide Treaty is designed to help prevent the very crimes we are commemorating this week. It declares that the systematic destruction of any national, ethnic, religious, or racial group is an international crime. It also guarantees, by international law, that groups have the right to live.

Mr. President, this week, we have a rare opportunity to learn from the past. When the survivors leave town next week, we must make certain that the lessons they have taught us remain here in Washington. By ratifying the Genocide Convention, we can demonstrate to the survivors that we have received their message.

The survivors have spoken, and we have listened. Now we must act.

I ask unanimous consent that the survivors' stories, printed in yesterday's Washington Post, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 12, 1983]

#### VOICES FROM THE HOLOCAUST

An estimated 10,000 Jewish Holocaust survivors have gathered in Washington this week to share their experiences and honor the six million Jews who died as a result of Adolf Hitler's "Final Solution." Each survivor brings personal memories of the years from 1933 to 1945, and here are some of them, compiled by Washington Post staff writers Blaine Harden, Caryle Murphy, Joanne Ostrow, and Judith Valente.

#### WARNING SIGNS

"First of all we wore the yellow star. What can I say to you? I was terrible hurt. It was a terrible thing. We couldn't go out from our house at certain times of the day. They didn't want the Jews on the street. And it just happens one time I was on the street and there was an air raid and they wouldn't

let me in the air raid shelter that I was a Jew. So I had to stand at the gate."—Ilona Ginsburg, 68, of Los Angeles, retired candy company representative. Born in Hungary; imprisoned at Auschwitz.

"We knew there was danger coming in. I was maybe 20, but what could I do? Why didn't I flee? In the Jewish tradition the family is always knit very close. I had a chance to escape. How could I in my mind save myself and leave my father and mother helpless? Of course, it didn't do them any good that I stayed."—Edward Golfer, 62, Silver Spring carryout owner. Born in Kaunas, Lithuania; imprisoned at Stutthof and Dachau.

"Every day, the Germans would come with trucks and round people up. Polish people would even show the Nazis where Jews were living, but there were some good Polish people. The Polish people had to stand in line for food, but they could get food the Jewish people couldn't. We had a neighbor, she was half Polish and half German. She told me that I could come with her on the food line, but just to wear a cape and hide the star we were all required to wear on our arms. When I was going home with the food, one of our Polish neighbors saw me and he said he was going to call the Nazis. So I ran all the way home and gave my mother the food so she could hide it around the house. We were so frightened, but no one ever came."—Linda Fox, 64, Rockville grocery clerk. Born in Sosnowiec, Poland; imprisoned in a work camp in Poland and worked in flax factory.

"When the Nazis came in, right away it was bad. They were shooting from buses into crowds, at people on bread lines. They took out certain people for torture... German soldiers searched and took everything away. We remained without a penny to live from. Everything pointed to the bad times we were facing. Then they started to build a wall separating the Jews starving the people. There was such sickness. People had no choice. We were ready to go to the death camps for a piece of bread."—Samuel Goldstein, 69, of Brooklyn. Born in Kozienice, Poland.

#### ROUND-UP

"The German SS and the collaborators came to our house. The German SS pointed at me and said to my mother, 'Who is this?' She said 'This is my little boy.' He said, 'Mitkommen,' which means come along. My mother gave me a lunch pail to take with me. She said, 'Maybe you will get some food.' She did not know that we would not be coming back."—Sam Sherron, 51. Born in Lithuania; imprisoned at Auschwitz, Dachau and Muldorf. His mother and two sisters were killed.

"My father was a lumber and furniture manufacturer. He bribed people to get us false papers and to hide us in the homes of Gentiles. I went to Protestant schools. I was an altar boy. We were betrayed by the daughter of the people that were hiding us. She wasn't mad at us. She wanted money; it was strictly business. She was paid much less than 30 pieces of silver."—Mark Rubin, 46, Beverly Hills banker. Born in Sabinov, Czechoslovakia. Imprisoned at Theresienstadt.

"In the [Lodz] ghetto, the Germans threw babies from the fourth floor of the hospital into a truck. Our job was to pick up the babies that missed the truck and throw them in."—Adam Tems, 72, Jamison, Pa., electrical engineer. Born in Lodz, Poland. Imprisoned in Lodz ghetto, Auschwitz and Dachau.

"My son and wife. She was 18 years old. I remember one day [outdoors with them in the Berdzin ghetto]. They were sitting outside and he stretched out his arms to me. And she said, 'Take him, you don't know how long you'll be able to hold him in your arms.'"

"There was a roundup and my wife and child were hiding in an underground, secret bunker. They came out and I said, 'Why did you come out?' And she said because [the baby] was crying and [his wife] didn't want to jeopardize the other people. It was daytime, June 23, '43. We were segregated by age. There was shooting all over."—Victor Cooper, 68, retired New York auditor. Born in Poland; imprisoned in several camps in Poland and Germany.

#### THE CAMPS

"When we arrived in Auschwitz, it was four in the morning and we piled out of cattle cars. There were big empty barrels and we had to throw in watches, rings, anything we were saving. They searched the mouth, the rectum, to see maybe you were hiding something... The work we did was unnecessary, just to make us crazy. 'Take your coat off, put it on backwards, put rocks in the pockets, walk three miles.' We were hungry, dirty, used coffee to wash our faces. Lice was eating us alive. The Germans said, 'If I kill 15 Jews I get a surplus of five kilos of sugar.' We were animals on the floor."—Leo Cwilich, 68, semiretired furrier in Cincinnati. Born in Lodz, Poland; imprisoned at Auschwitz.

"At 12 o'clock noon one day we lined up to get hot water to warm up. It was our soup. We lined up to the cans of soup. This German cop [term for German camp guard, often a common criminal], this short fella, he may be a gangster or something in Germany, he takes these cans of soup and starts spilling them. He says being that we didn't work, we didn't deserve it. I had my pick in my hands and I jump out of line. I grab him and before I was going to hit him I said, 'German officers have the right to do this. You don't have right.' The German commandant rode up on his horse then. He slapped me in the face with his gloves. He said, 'You got saved by saying a German officer can do it.'—Joseph Gordon, 57, Silver Spring businessman. Born in Lithuania; imprisoned in Auschwitz and Muldorf.

"I was picked out by Dr. [Josef] Mengele, along with about 200 other children. We were sent to Birkenau Camp D, where the experiments were. I was experimented twice through injections and twice with chemicals. We were children, we didn't know what the drugs were. It made you very sick, make you vomit. I was passed out eight hours, I think. Some of the children died."—Alex Dekel, 51, of New York, Hebrew Immigrant Aid Society worker. Born in Cluj, Romania; sent to Auschwitz-Birkenau when he was 12.

"Every once in a while an international delegation from the Red Cross would come in [to camp]. When the Nazis knew they were coming, they would give out linens for the beds. They gave the inmates new uniforms and hid the sick and emaciated. We all wore wooden shoes that killed your feet, but when the delegation was coming, they gave out leather shoes. When the delegation left, you had to give them back. They told people if they said anything [about camp conditions] to the Red Cross, they would be killed the next day. So when someone asked, 'How are they treating you?' the inmates would say, 'Fine.' And when they asked 'How's the work?' they would say, 'Satisfac-

tory."—Fred Diamant, 59, Los Angeles garment manufacturer, Born in Gelsenkirchen-Buer, Germany; imprisoned at Sachsenhausen.

#### LIBERATION

"When we were separated at Auschwitz, me and my wife said if we ever survive we would be meeting in Radom. After liberation, I rode on the roof of a train for two weeks going to Radom. When I got there, they told me my wife was dead. I took sick. I had a fever. One morning a man from the railroad station came to me and said a woman is looking for you at the station. I got up, put scarf on because I had a high fever. I made way to the railroad station and I saw her. Nothing can describe that meeting."—Elias Snyder, retired dry cleaner from Boca Raton, Fla. Born in Radom, Poland; imprisoned in several camps in Poland and Germany.

"On May 8, 1945, the Russians liberate us. A Russian woman soldier showed up on a horse. She stop horse. Behind her was a whole army—young Russian soldiers with trucks and different kinds of food and drinks. We were locked up in a house with 100 women. They said not be afraid, you are all free. We were afraid because we hadn't eaten very much for so many years. They had pork and salami and all kinds of meat. There were girls who ate too much and they died. Me and my sister ate dark bread and butter and tea for two days."Bella (Dancigier) Zarnowiecki, 54, of Windsor, Ont. Born in Bedzin, Poland; imprisoned for four years at a work camp near Prague.

"We rode for 14 days in a train, back and forth [in Gernamy]. [The Germans] didn't know what to do with us. I had typhus. There was no water, no food, just the cracks in the train for air. A can for a bathroom. When it was full, you threw it on the people [who had died]. Unbelievable. They let us out and were going to kill us. At the last minute, we saw the head of the Swedish Red Cross on a motorcycle. We were pushed back in the train and taken to a small camp and were washed. I remember there was one room of showers, one room full of skeletons. On the boat to Sweden, we were dirty people. . . . There were tables with white tablecloths and a cake. We were grabbing the cake and hiding it like this [inside a shirt]. The waiters looked, 'What kind of people are these?' 'They could see lice on us. . . . Then, we were like animals.'—Frieda Salomon, 63, of Elizabeth, N.J. Born in Hungary; imprisoned at Auschwitz and Buchenwald.

"First of all there was terrible happiness that, gosh, we were free. And then all of a sudden—where am I? What's going to happen to me? I have no country. I have no family. Then, you know, it turned into a terrible fright. I was 19 years old, my family was dead. I couldn't see myself going back to the country which was then Romania. Nobody did anything to stop . . . the mass extermination [there]. Returning to your neighbors who just stood by and let you go. Some of them happy. Some of them turned their back. How to return to those people and live among them I couldn't imagine."—Irene Lowinger, 58, of Los Angeles, Born in Hungary; imprisoned at Auschwitz.

Mr. PROXMIER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I have discussed with the majority leader this request and it has his approval. I ask unanimous consent that the time limitation on speeches in morning business be lifted insofar as I am concerned as I present one of my continuing speeches on the U.S. Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I want to assure all Senators that if any Senator comes to the floor and wishes recognition, I will yield the floor at that time. In any event, I know that I cannot deliver this entire speech between now and 1 p.m., but I will complete it at some point during the day. I ask unanimous consent that the RECORD show no interruption.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE UNITED STATES SENATE

##### THE SENATE IN THE ERA OF RECONSTRUCTION, 1865-1868

Mr. BYRD. Mr. President, earlier I discussed the tragic events of the Civil War and their impact upon our national legislature. The force of the War struck at the very core of the American Republic. Economically, politically, and socially the nation had been irreversibly altered.

The direct cost exceeded \$7 billion in loans and interest. That was only the starting place. Additional losses in destroyed land, companies, buildings, transportation lines, and personal property could never be calculated.

The price paid in human life extracted something from almost every family in the North and the South. When the fighting ceased, a saddened nation counted some 620,000 dead and thousands more wounded and maimed. No tally could be given of the numbers who died from malnutrition and sicknesses, or whose mental health never recovered from the war trauma. Beyond calculation were the animosities—some to linger well into the twentieth century—that the war unleashed.<sup>1</sup>

The significant accomplishment of the war was that it freed the slaves, ending a life of bondage for four million black people. This freedom marked the initial step in the extension of equal representation under the Constitution to all Americans. The struggle ahead proved to be filled with

frustration and grief for blacks and whites alike. But, for the moment, it was worthy to celebrate the establishment of a free life for former slaves. With this freedom came a host of new problems for the nation. Questions about the future for slaves, the best ways to develop and fulfill the promises of equality, freedom, and suffrage would not be easily resolved.

The political arena was the appropriate place to thrash out these difficulties. However, the war left the political structure of the South devastated with state and local governments no longer in a functional condition. At the national level, the political machinery was characterized by confusion.

Eleven states had withdrawn their representatives from the Congress during the war and the maintenance of the national governmental process had fallen upon the remaining twenty-five. Now as the Southern states sought to regain their privileges within the Union, both legal confusion and jangled emotions served to frustrate and retard the reunion. Loyalist states displayed a reluctance to accept the returning South. The readmittance of Southern members, likely to be Democrats who would be hostile to the plans of those who sought to reorganize the Southern structure, could only upset the control exercised by the Senate's Republicans.

This epoch—known among historians as the Era of Reconstruction—spanned a troubled twelve-year period. The difficulties and challenges of those years often have been misunderstood, as evident by the sensational and bombastic vocabulary used to describe the events between 1865 and 1877. We tend to accept the popular image that this time of reconstruction was a vicious, cruel, and excessive era.

Today, I shall examine the work of the Senate during the earliest of those particularly demanding years. I will suggest that the Senate, faced with the staggering task of returning the eleven states of the Confederacy to their former national status, as well as responding to the needs and expectations of newly freed slaves, answered these challenges with purpose and resolve. With no prior experience in any similar circumstance, the Senate, indeed the whole Congress, could only have felt uncertain and confused. As a result, their actions, in retrospect, often appear haphazard or poorly conceived. Given the grave nature of the situation, we should not allow some of their lesser successes to overshadow their underlying unfaltering efforts to deal with a profound constitutional crisis.

Members of the Senate found themselves facing issues crucial to the American democratic system. We are in the debt of our earlier colleagues

<sup>1</sup>Footnotes at end of article.



for the important precedents that they established. I speak of concerns fundamental to many of our Senate deliberations. Often here, we are challenged to define the proper relationship between the executive and legislative branches, or to determine what constitutes the legitimate areas of federal and state responsibility.<sup>2</sup> These were the thorny issues the Reconstruction Senate attacked with vigor.

It did not require the cease-fire to make clear to the Congress that a host of perplexing problems faced the nation. Not the least of these would prove to be a debate between the president and Congress over which branch of government should supervise the process of Reconstruction. The basis for an executive/legislative split over this issue surfaced at least two years before the close of the war. President Lincoln and the Thirty-eighth Congress had scuffled over this very point. It appeared they might reach some agreement in the passage of the Wade-Davis bill, which neatly packaged an entire plan for Reconstruction, but in the eleventh hour Lincoln astonished his fellow Republicans by vetoing that bill. The Thirty-eighth Congress adjourned in March 1865 with its members deadlocked with the president over this matter. Congressional leaders could not ignore a gnawing sense of uneasiness that the future would bring only more conflict with the president over this issue. How could any of them know that a month later, in April 1865, their troubles would intensify when the nation, already confused by murky Reconstruction plans, would be staggered by the assassination of President Lincoln.<sup>3</sup>

So it fell to the new president, Andrew Johnson, to plunge into the morass of Reconstruction, for the Congress, standing in adjournment, was not scheduled to meet again until December 1865.

Andrew Johnson, himself was one of the uncertain elements in the Reconstruction drama. Born to extreme poverty, Johnson struggled to climb the ladder of political success. His accomplishments included service to Tennessee as senator before the war and state military governor during the war. His Unionist pronouncements catapulted him onto Lincoln's 1864 ticket, a move designed to provide sectional balance for the Republicans.

Yet there were those who regarded Andrew Johnson as an undesirable character, devoid of personal refinement. He enhanced his rough-hewn image when he appeared on the Senate floor in an apparently intoxicated condition for the inaugural ceremony. Graced with only the coolest favor from the Washington social set, Johnson further lowered himself by his drunken performance.<sup>4</sup> When the mantle of presidential responsibility descended upon him, Johnson faced

additional burdens from some members of Congress who felt predisposed to distrust and dislike him. Yet, Johnson's first public statements on Reconstruction appeared to be compatible with the views of his Republican colleagues who had been most active in the advocacy of civil liberties for blacks. Republican Senators, for whom these issues represented passionate personal convictions, greeted the new president with cheered spirits. Grieved though they were over the death of Lincoln, they were visibly relieved that a dreaded confrontation with the chief executive had been avoided.

Senator Charles Sumner, wearied from his long struggle against the forces of slavery, voiced great confidence after his first visits with President Johnson. Sumner rejoiced in his belief that Johnson actively supported suffrage for former slaves. With relief and gratitude, Sumner reported to his friends that he felt comfortable with the new president.<sup>5</sup>

Sumner clearly hoped that strong executive leadership would deter the development of further political factions among senators. Only through a forceful president did Sumner see the means to harness the wide range of views held by Republican senators. Not only had Republicans failed to agree with the late President Lincoln, but they held little accord among themselves. Their suggestions for Reconstruction policy covered a spectrum from the most moderate to the most extreme of proposals. Some hoped to welcome the Southern states back into the national fold immediately, while others sought a program of wide-scale land confiscation and disenfranchisement for former Confederates.

Charles Sumner, as we know, was identified with the group known as the Radical Republicans. Their goal was to reorder the social, economic, and political structure of the South through the redistribution of land and the inclusion of blacks in voting rights.<sup>6</sup> Although historians have concentrated on the "revenge" element in the Radicals' approach to white Southerners, perhaps we should consider their attempts to effect change through forceful action. They took up the banner of universal male suffrage when others were less willing to argue for this basic constitutional right. These men were not content to sit idly on the sidelines and watch the gains made from the Civil War slip away. They spoke for those who had no champions here in the Congress, and for that, they deserve our admiration. Sometimes they spoke with an unchecked fervor, but their goal was to create a better nation for all citizens.

Despite the Radicals' vigor, the events and the passions of the day moved beyond their control. The benevolent relationship with the presi-

dent proved premature, and Republicans saw their hopes fade for a Reconstruction program predicated on party unity. Senator Sumner, stung by the turn of events, in a letter to a friend, lamented "It is very hard that we should have this new controversy."<sup>7</sup>

How did they come to this new controversy? What events led the Senate to a complete rupture with the president of the United States? Senator Sumner's first rush of confidence in Andrew Johnson caused him to miss some early signs that perhaps the relationship of the Radical Republicans with the new president was not quite as sanguine as it had first appeared. If Sumner missed the first warning signals that came from the new administration, Representative Thaddeus Stevens and General Carl Schurz did not. Schurz feared that some Southern states would attempt to persuade Johnson to forego Republican Reconstruction, while Thaddeus Stevens recoiled in horror when Johnson recognized the government of Virginia. Despite these early rumblings, Senator Sumner remained unperturbed, convinced that his colleagues had nothing to fear from the president. The senator's calm was shattered on May 29, 1865. On the date, President Johnson issued two proclamations that revealed the future direction of his administration. The first explained the lenient terms of amnesty for former Confederates, while the other established a North Carolina Reconstruction government that excluded blacks from voting.<sup>8</sup>

Now aroused, Sumner launched a vigorous letter-writing campaign designed to check the president's plans. The confused senatorial responses reflected the diverse opinions held among Republicans. Some urged that the Senate adopt a conciliatory note with the chief executive, others hoped that the best could be made of the situation, still others felt unsure about the constitutionality of challenging the president, yet others expressed little interest in the subject of black suffrage.<sup>9</sup> The small band of Democrats in the Senate, of course, watched delightedly as the president turned away from his own party and into that of the opposition. Yet, regardless of personal opinions, all senators watched uneasily as they recognized the danger signs of an almost certain clash ahead.

Johnson, confident in his executive position, did not soften the burgeoning crisis. Andrew Johnson simply did not have a winning manner. When faced by opposition, the worst rather than the best of his character surfaced. Even Johnson's good friend, Senator John Sherman of Ohio, came to feel that the situation was exacerbated by Johnson's "unreasoning pugnacity." It proved the president's undoing that he

failed to understand that in his station he was not required to answer his critics, but had only to maintain his strength in an ordered appearance. No—Andrew Johnson, when faced with an opponent, immediately threw himself into the fray, hurling abusive and violent language in all directions. The comparison with the late Lincoln could not be avoided. The coarse, verbal hostility of the new executive stood in sad contrast to the gentle man from Illinois. The result brought only weakness to the Republicans as they flailed about at each other. The tragedy was, of course, that the country, reeling under a series of crippling national blows, needed greater unity and harmony in its leadership.<sup>10</sup>

By August 1865, the division between the Radical Republicans and the president had escalated to such a degree that the president called these members of his own party his "adversaries" whom he sought to foil.<sup>11</sup> The Radicals lost no opportunity to challenge the constitutional nature of the president's actions, questioning his authority to appoint provisional governors, or require states to abolish slavery and repudiate their debts.<sup>12</sup> The confrontations gained momentum when the Southern states, increasingly truculent with even the most modest of presidential regulations, elected not fewer than twenty-five loyal Confederates to the United States Congress.

Emotions ran at a fever pitch in all camps—the executive office, the Democrats, the Radicals, the Moderates, and the former Confederates who now turned their attention to their national status. As the date for the convening of the Senate drew near, it became increasingly clear that here in these halls, the issues that had brought the nation to war would now assume new dimensions, be argued with a new rhetoric, and continue to demand new constitutional interpretations.

December 4, 1865 arrived, the day for the start of the Thirty-ninth Congress. Here for the first time since secession, members from both the North and the South would gather. So hopeless had been the congressional condition in the last months before secession, so debilitating the nature of their acrimony in 1860 that we should marvel that the Union persevered and that once again our full national legislature assembled. True, it assembled with varied and often bitter emotions, but disagreement and debate are part of the essence of this body. That is as true today as it was yesterday, as it was in the 1800's. It is a great tribute to the fundamental soundness of our institution that the members reconvened and that the business of the government continued.

The importance of this momentous occasion was not lost on the Washing-

ton populace. The atmosphere was charged with expectation as the curious gathered in the Capitol to witness the opening of this historic session. A spectator gazing down from the gallery could not have missed the solemnity of the day as Senator Lafayette S. Foster of Connecticut, a member respected for his legislative skills, took the position of president pro tempore. Foster's presence underscored the tragic events of the assassination, for the vice president had vacated his seat in the Senate to assume the executive office. (To my colleagues who may have wondered, this is the Lafayette Foster whose bust is displayed in the vice president's room just outside this chamber.) As Senator Foster began his duties, the seventy senatorial seats before him provided a grim reminder to the war's legacy. All seventy, arranged in their three-tier fashion, were not to be filled on that opening day. To the left and the right of the presiding officer stood the vacant seats, sentinels to the South, waiting for their senators to be readmitted to the chamber.

Slowly, the senators gathered on that first morning. The dynamic, aggressive Sumner was, of course, the center of attention. Close by him were freshman Senators Edwin Morgan of New York and Richard Yates of Illinois. Seated together in a middle tier of seats was a collection of distinguished and seasoned senators—Lyman Trumbull of Illinois, Henry Wilson of Massachusetts, Ben Wade of Ohio, and William Pitt Fessenden of Maine. Some like Senator Reverdy Johnson of Maryland were noted for their wisdom and balance. Others like the elderly Garrett Davis of Kentucky were known for their talkative, quarrelsome nature. The Senate has not changed much really. Some were young, like William Sprague of Rhode Island, and some like the widely admired Solomon Foot of Vermont were near the end of life's journey and would not live to see the close of the Thirty-ninth Congress. Yet another, James Lane of Kansas, tormented by ill-health and personal distress was soon to kill himself in the presence of several friends. These individual tales were still to unfold but, for that day, December 4, 1865, perhaps the spirit of the senators was best captured by the restless and brooding—it reminds me of Robert C. Byrd, with that dour look, that humorless junior Senator from West Virginia with that brooding look—Willard Saulsbury of Delaware who repeatedly paced back and forth across the little carpet behind his desk.<sup>13</sup>

At noon, twenty-five senators responded to the roll call. It fell to the Reverend Edgar Gray, Chaplain of the Senate for the Thirty-ninth Congress, to entone the thoughts that must have been in the hearts of many who

gathered in the Senate chamber. Gray raised his voice and prayed, "Glory be to the name, O God, that the Republic still lives, the nation survives, the country is safe." But unable to ignore the mood among the senators and aware that only Divine Intervention could avoid the conflicts ahead, Reverend Mr. Gray continued, "Grant . . . that all our deliberations and enactments may be such as to . . . insure the unanimous acquiescence of our people . . ."<sup>14</sup>

If the air in the Senate was somber and foreboding, it differed across the way in the House of Representatives. Hours before the appointed time for the opening of the House, huge throngs gathered in the halls and the galleries. The diplomatic gallery, the reporters' gallery, every available nook and cranny overflowed with the curious who wanted to witness the first calling of the roll. What would happen when the clerk came to the names of those states lately in rebellion? How would he respond to the challenges from the representatives of states whose governments had not yet been recognized as reunited with the Union? If those states could gain recognition on the floor of the House, it would represent their first step in the return to full constitutional power. That was a step that most Northern states were not yet ready to grant to the South. The tension mounted and the spectators received the show they wanted, for what followed was indeed unique in roll call procedures. The Clerk simply passed over the names of the Confederate states and refused to allow the challengers to interrupt the reading of the roll. In the same fashion he proceeded to block any challenges until he announced that a quorum was present. Upon determination of the quorum, the clerk boldly proclaimed that no one could address the chair whose name was not on the roll. So did the House of Representatives manage to side-step the recognition dilemma until the Congress was more fully organized for the business at hand.<sup>15</sup>

By the 21st of December, the Congress had completed one of its most delicate chores; it had established the Joint Committee of Fifteen on Reconstruction. Solemnity and wrenching debates marked the creation of this committee. Although members of both houses viewed the Reconstruction Committee as necessary and proper, all knew that it would serve to intensify the already sticky problems of reunion. The committee included a politically moderate group of senators and representatives, but this did not help. Southerners looked upon the committee with ill-concealed hatred, for they were certain they could only expect revenge and stringency from the North. Some from the North regarded the



committee with skepticism, certain that it would only hinder their own Reconstruction goals. President Johnson Allowed the committee only his suspicions and misgivings and promptly labeled it the "Central Directory."<sup>16</sup>

At the very least, the Reconstruction Committee heralded the introduction of worsening relations between the Congress and the president. Despite many other national topics that required the attention of the Congress, this single joint committee mushroomed in importance as the tensions between the executive and the Congress multiplied. The Reconstruction Committee emerged as the major symbol of a nasty division between two of our three branches of government, a division that would ultimately lead the Congress to bring impeachment proceedings against the president of the United States.

The division crystallized in February 1866 when a shocked Congress heard President Johnson's veto message for the Freedmen's Bureau bill. This bill, designed to expand the powers of that agency and provide monies for the support and building of schools, had passed both Houses with dispatch. Congressional leaders, secure that the president supported the measure, felt betrayed when he exercised his veto. Even moderate Republicans were keenly disappointed and recognized that President Johnson was turning away from his own political party and casting his lot with the Southern Democrats. Moderates who thought they correctly anticipated the president's wishes in the matter of the Freedmen's bill felt uncertain about the future. To what end could this lead? What would be the outcome of this presidential slap?

They had not long to wonder. Within three days of the veto message, President Johnson tossed all caution to the winds and attacked the Radicals of his own party with words not designed to mollify. The Radicals, he said, were "traitors," who planned to assassinate him. In a burst of excess Johnson declared himself a "Christ" facing a collective Judas. The president's rude words left the senators little room for retreat. An embittered Senator Fessenden announced, "He has broken the faith, betrayed his trust, and must sink from detestation to contempt."<sup>17</sup>

A few Republicans clung to a feeble hope that a full-blown confrontation with the president could still be avoided. These final vestiges of optimism were dashed in March 1866 when the president vetoed another round of legislation as unconstitutional because it had been passed in the absence of Southern representatives. This turn of events greatly cheered Southern Democrats, now anxious to resume all of their constitutional privileges. Republicans, however, saw this as merely

a new and gloomy twist to the process of Reconstruction.

Republicans of the Thirty-ninth Congress gathered as a divided group, unsure about the correct course for Reconstruction legislation. Not all had been ready to follow the strong lead of Senator Charles Sumner, but events drew them to his camp. Republicans, now welded in a spirit of unity, marched under a single Reconstruction banner. The president, either by design or by accident, alienated all members of his own political party because he trampled on the prerogatives of the legislative branch. Faced with such a momentous threat, senators of all persuasions could not ignore the dangerous precedents that Johnson was establishing. What could be the future of the Senate itself if the chief executive, with total abandon, could denounce and belittle its proper responsibilities? This issue struck at the very essence of our government structure. Correctly, the Congress felt awed and challenged.

Stunned though they were, the members regrouped and focused on moving ahead with the work at hand. Republicans, anxious to honor previous commitments to black suffrage, struggled to write a civil rights bill, expand the Freedmen's Bureau bill, and draft the Fourteenth Amendment. Passionated were the speeches that came from both sides.

On the topic of the Civil Rights bill, the full fury of the Senate can be extracted in a host of fiery speeches. No one expressed the central conflict of power between the executive and the legislative better than Ohio's Senator Benjamin Wade when he remarked:

The Constitution makes him the executive of the laws that we make, and there it leaves him; and what is our condition? . . . if the President of the United States can interpose his authority upon a question of this character, and can compel Congress to succumb to his dictation, he is an emperor, a despot, and not a President of the United States. Because I believe that the great question of congressional power and authority is at stake here, I yield to no importunities of the other side.<sup>18</sup>

The senator who rose to answer Wade's protest about the veto of the civil rights bill was a gentleman whose personal life was something of a scandal, but whose legislative interpretations were brilliant. Other senators noted sadly that Senator James McDougall of California often came to the Senate so inebriated that he could barely walk. But here was a legislator of such analytical skill that, although he appeared unable to focus on the topic at hand, within moments after entering the chamber he had grasped the discussion so clearly that he could rise to his feet and contribute some of the most incisive and forceful of senatorial comments. On this occasion, McDougall chose not to support the

veto of the Civil Rights bill itself, but he defended the concept of the veto power as a just and proper function of the president given by the Founding Fathers.<sup>19</sup>

These theoretical debates aside, the Senate continued to wrestle with the practical problems of reuniting the nation, while fending off presidential encroachments. Do we today wonder at the passion of their debates and question their motives? Rather than judge harshly, we would admire these tireless men who tried to encourage the recognition and the acceptance of a national responsibility for civil rights.<sup>20</sup> It is because these senators were willing to hammer out the fundamental issues, that they refused to be bullied by emotion, and that they pursued the question to the finest point of constitutional analysis, that our Constitution today continues as a monument to the concepts of equality for all our citizens. Here in the record of these heated arguments are the very areas where we should feel the greatest pride in the Reconstruction Congress, for they did not shrink from these thorny issues, but saw them through to their just conclusions and established universal male suffrage for all United States citizens.

The aggressive actions of the Congress only served to further agitate the already combatant president, who refused to accept that the legislative branch was exercising its proper prerogatives. Johnson persisted in making excessive statements in public and again reminded the nation that he paralleled the martyred Christ.<sup>21</sup> This new outburst proved more than Americans seemed willing to accept from their chief executive. In the congressional elections of 1866, Republicans in both houses received stunning victories. Surprisingly, Republicans gained in traditional Democratic strongholds of West Virginia, Missouri, and Tennessee. Whether this represented a victory for Radical Republicans programs or a rejection of the embarrassing apostate Republican president is hard to judge. Radical Republicans saw it as a mandate for their plans and launched an offensive to limit the powers of the alienated president.

Despite the efforts of Congress to curtail the president's authority, the executive office possessed many powers that the legislature would not be able to limit. This helped to create among Republicans a growing belief that the only solution for the clash over Reconstruction policy was to remove the president from office. Members of Congress reached that decision only after the most tortured considerations.

Article II, Section 4 of the Constitution empowers the House of Representatives to impeach and the Senate to convict on a two-thirds vote of each

House. The umbrella of Section 4 covers any federal official charged with "Treason, Bribery, or other high Crimes and Misdemeanors." Yet, never before in our history had the Congress seriously considered using this ultimate sanction against a chief executive.

Accordingly, the prospective seriousness brought to naught the first efforts to initiate impeachment when in 1867 a House resolution failed to pass the Judiciary Committee. Moderate Republicans were simply not ready to assume the frightening responsibility of presidential impeachment. Of that decision, Maine's William Fessenden, observing from the Senate, commented in a letter:

You will have learned that the House has decided not to impeach the President. I am glad of this . . . The President has undoubtedly been guilty of very serious offenses, the consequences, I think, of bad temper and of self-confidence . . . The country will now breathe more freely, and if we can act like sensible men I shall have some hopes of the future. Yet we have many more troublesome problems to solve, while the folly and madness of certain men keep us in constant peril.<sup>22</sup>

From the executive's corner, word spread that the president, impressed by the congressional rumblings, would begin to implement Reconstruction laws. The feelings of relief among Fessenden and his moderate colleagues proved short-lived as the uneasy truce between the branches quickly collapsed.

The focal point for the final breakdown of presidential/congressional relations proved to be the Tenure of Office Act passed by Congress in March 1867 as a deterrent to the president's tendency to dismiss public officials supportive of the congressional Reconstruction goals. This measure included a proviso that Senate permission was a requirement for the firing of a cabinet officer. It was a thinly-disguised move to protect the position of Secretary of War Edward Stanton, one administration official in agreement with the plans of the Congress for Southern Reconstruction.<sup>23</sup>

As the relations between the opposing branches deteriorated, President Johnson widened the fight by attempting to remove Secretary Stanton. Johnson's efforts to manipulate that crisis rested on cooperation from General U.S. Grant, whom the president appointed to Stanton's post. This action did not pass without challenge and as arguments on both sides heated, Grant, unwilling to offend members of his party in Congress, withdrew from the conflict. Stanton resumed this post, the relations between President Johnson and Grant dissolved, and the Republicans bathed in victory's warm glow, while they looked to Grant with new admiration.

There followed a series of comic scenes, unworthy of national leaders.

Stanton literally barricaded himself in his office and refused to admit Johnson's next appointee, General Lorenzo Thomas. Thomas was unable to wrest the keys to the office from the obstinate Stanton, all a scenario that the Senate watched with delight.

This circus wiped out any small remaining support that the president held among moderate Republicans. They had tried, through a series of maneuvers, to deflect the growing sentiment against the president, but to no avail. Finally the bitter feud, filled with contempt and angry words, came to its predictable climax. The difficulties with Stanton only supplied the immediate excuses for initiating some decisive action. The House reactivated its impeachment motions.

Whether Johnson's actions truly represented impeachable offenses of "high crimes and misdemeanors" was not certain to all participants. It seems fair to say that, as with most critical issues, the combination of forces leading to the impeachment and trial are not easily separated. Motives for action included some of the highest political purpose and concern for human rights in our nation's history, intense interest in constitutional law, and the need to protect the separation of powers in the federal government. But also, there could be found ample measures of partisanship, greed, and a desire to extract personal gain and political advancement from a national crisis. The result of this piebald mix of political chemicals was that both houses of Congress moved forward with the impeachment process.

Republicans charged that the president systematically obstructed all congressional procedures to provide equality for freed slaves, ignored the efforts of Congress to insure safeguards for the future protection of black citizens, deserted his own party, and openly collaborated with the Southern states to restore their political powers without impediments or supervision. Not only was Andrew Johnson seen as a dangerous threat to the future success of the Republican party, but he was also viewed as a national embarrassment, a president reveling in disregard for the authority of the United States Congress, and the individual most responsible for inciting the continued attitudes of rebellion among white Southerners.

Out of these sentiments the House of Representatives drew up ten (later eleven) articles of impeachment against the president and presented them to the Senate. On February 27, 1868 a special House delegation visited the Senate. Headed by Thaddeus Stevens and John Bingham, the group announced the impeachment resolution had passed the House on February 24, 1868 and asked the Senate to prepare for the trial to follow. President pro tempore Wade then selected a special

committee of seven senators to establish rules of procedure for the trial. By March 2 the Senate had received the report of the special committee on rules, debated the topic, and voted to accept the committee's suggestions.<sup>24</sup> The powers of the presiding officer, powers of the Senate to subpoena witnesses, protocol for witness interrogation by senators, and methods for recording the testimony were included among the twenty-five rules of procedure.

The pending trial became the focus of the social season. Washingtonians began to exude a festive air as they thronged to the Capitol in their best finery. Only holders of numbered and dated tickets could enter the Senate galleries. Of the one thousand tickets printed, forty were reserved for the diplomatic corps, while the Chief Justice, the Speaker of the House, and each senator got four. Pairs of tickets were distributed among House members, Supreme Court Justices, and various other public figures. Twenty tickets were reserved for the President.<sup>25</sup>

Opening day saw the Senate galleries jammed with a curious mob, but among them, one person's absence did not pass unnoticed. That, of course, was Andrew Johnson, who contrary to his own personal desires, accepted the insistence of counsel that he boycott the tribunal.<sup>26</sup>

The trial itself began on March 30, 1868. Massachusetts' Benjamin Butler led the House impeachment managers. The waiting crowds had anticipated this moment. Butler, a colorful and vigorous character, was billed as one of the main attractions. The observers expected that his remarks would sparkle with a lusty style and an irreverent humor.

They left that day disappointed. Butler initiated the events with a three-hour speech defining the nature of an impeachable crime. A tedious discourse, filled with legal technicalities, it failed to capture the crowd's attention. In the summation, Butler strove to captivate when in a resounding voice he boldly proclaimed: "never again, if Andrew Johnson go . . . free . . . can the people of this or any other country by constitutional checks or guards stay the usurpations of executive power."<sup>27</sup> This melodramatic conclusion was not enough to rescue an oration that left the spectators bored and restless. The whole performance marked an inauspicious beginning for the prosecution.

Moreover, it forecast a glum fate for the prosecution's entire case. Pretrial sentiment throughout the nation seemed to indicate conviction was expected and favored. But as the trial dragged on for several weeks, the national mood appeared to shift. Interesting. They had no poles in these days. A flow of contradictory tele-



grams to the Capitol aside, more and more the public appeared to dread the implications of removing a president from office.

Senators—their political acumen waxing and their fevered emotions waning—began to vacillate. Especially the moderate Republicans wavered, influenced by two considerations. First, they feared the permanent damage that removal might incur for the executive branch of the government. Secondly, several senators cooled before the unattractive realization that they would inherit president pro tempore Benjamin Wade as the next president.

Johnson, for the first time in the crisis, comported himself with a measure of dignity. He avoided his habitual tirades against Congress and informed moderates that he was ready to comply with congressional Reconstruction. He maintained himself quietly throughout, apparently content to receive trial reports each evening from his servant, Warden.<sup>28</sup> Though he had frequently destroyed the public peace in the past, Johnson now unexpectedly strengthened his case by a decorum that was designed to increase sympathy for his position.

The trial ground on to its conclusion. Public excitement began to mount again as the time approached for the verdict to be returned. By the end of April 1868, Radical Republicans increasingly suspected that their efforts were doomed. The outcome centered again on the decisions of the moderate Republicans. They had the numbers to turn events either for or against acquittal. The opposing sides quickly moved to ensnare the votes of those senators regarded as unpredictable. Political promises and threats circulated throughout Washington.

Missouri's moderate Senator John Henderson received warm assurances of Democratic support in his next election if his acquittal vote cost him the backing of his own Republican party. The more crude action included blatant attempts at bribery, as reported by Senator Samuel Pomeroy of Kansas. One pro-Johnson group instigated a proposal to nominate the politically-oriented Chief Justice, Salmon P. Chase, at that very moment presiding over the trial, as an alternative candidate for president of the United States. That faction succeeded in moving their pressure campaign to the domestic front and into the home of Rhode Island's Senator Sprague who was married to Chase's beautiful daughter, Kate.<sup>29</sup>

Radical Republicans foresaw that acquittal could unleash a flurry of presidential powers that would defy containment. The immediate issue, the removal of Secretary Stanton, paled as Republicans came to perceive the fundamental constitutional issues embedded in the president's defense. Johnson's counsel argued that the presi-

dent could legitimately refuse to enforce a law that he believed unconstitutional, if it restricted the rightful powers of the executive. Second, the presidential attorneys maintained that the president could replace officials appointed by the consent of the Senate and install his own *ad interim* appointees. Further arguments suggested that the president could overrule any law that his cabinet advised him was unconstitutional. The cumulative impact of these interpretations would be to provide the president with unlimited powers in the matter of Reconstruction. Ultimately he could override all Reconstruction laws, establish his own state governments in the South, endanger the rights of all Southern blacks and white Republicans, and restructure the composition of the next electoral college.<sup>30</sup>

On May 4, 1868 the task of summarizing the prosecution's case fell to Representative John Bingham of Ohio. For three days senators in a packed chamber listened to his remarkable oration. Among his many dramatic and compelling remarks he included:

It is this spirit of justice, of liberty, of equality, Senators, that makes your Constitution dear to freemen in this and in all lands, in that it secures to every man his rights, and to the people . . . the . . . right of self-government . . . which is this day challenged by this usurping President, for if he be a law to himself the people are no longer their own law makers through their Representatives in Congress . . .<sup>31</sup>

Upon his conclusion spectators in the galleries burst into cheering and a great clapping of hands. Men and women jumped to their feet, waving their handkerchiefs and ear-splitting whistles filled the air. When the Sergeant-at-Arms attempted to restore the order the Chief Justice demanded, his efforts were met with hisses and boos. In the ensuing ballyhoo, the Chief Justice demanded the galleries be cleared. This only generated more confusion for it was unclear whether this order included the diplomatic and reporters' galleries. The senators and the Chief Justice continued to argue the point until finally all spectators had been removed from the chamber. At that moment, one of the central protagonists in the fray, Senator John Conness of California, immediately called for a recess, a motion that was greeted with a chorus of "Oh no's" from his colleagues.<sup>32</sup>

The uproar was put to an end with the announcement that the case was closed. But the senators had learned much from the wild outburst and clearly they had little interest in its repetition when the verdict was returned. On May 11, 1868 the opening moments of discussion centered on the need to assure that there would be no recurrence. Senator John Sherman of Ohio remarked that the verdict was certain to incite a great deal of excite-

ment in the Senate chamber. He suggested that the assistants to the Sergeant-at-Arms be strategically placed throughout the galleries to arrest any rowdy persons, that the Chief Justice announce the intention of this from the floor at the opening of the session and through the morning newspapers.<sup>33</sup>

The next day Senator Zachariah Chandler rose to announce that his Michigan colleague, Senator Jacob Howard, had been struck with a high fever, was delirious, and his physicians thought him unable to attend. Chandler requested a postponement.<sup>34</sup> The supporters for acquittal saw this as a last-ditch stalling technique of the weakened Radicals.

The adjournment served only to prolong the agony of suspense for Republicans, who increasingly recognized the likely outcome. On Saturday, May 16, 1868, the Senate convened at noon and shortly thereafter the voting began. Chief Justice Chase polled the members individually, article by article. Chase began, "Mr. Senator Anthony, how say you? Is the respondent, Andrew Johnson, President of the United States, guilty or not guilty of a high misdemeanor as charged in this article?" The Rhode Island senator responded, "Guilty," and as the Chief Justice proceeded, the chamber echoed with somber replies of "guilty" or "not guilty." Senators Grimes and Howard, although permitted to remain seated for their votes, through great physical effort, stood to be counted, one on each side of the question.<sup>35</sup>

It required a two-day period to complete the voting. On the first day, by a tally of 35 to 19, the strongest charge against the president, article 11, failed by one vote the two-thirds majority needed for conviction. When the Senate reconvened on the 26th to complete the voting—the adjournment called for Republicans to attend their national convention in Chicago—the scene from the 16th was repeated. Both the second and third articles of impeachment failed, and again the count was 35 to 19—one short of necessary two-thirds count. The failure of these articles, fundamental to the case against the president, showed the Radicals that Johnson could not be convicted. For the Radicals their cause was lost; the fragile friendship they forged with the Moderates collapsed when nineteen senators chose to reject the plan to remove the president.

Senators had an opportunity to explain the basis of their individual decisions through the submission of a written opinion after the completion of the voting. Several senators took up the pen to explain the rationale of their votes on those two days, not unlike what Senators will do today. The weary Senator Grimes concluded in his written statement:

I am wholly unable . . . to deduce any criminal intent . . . I cannot agree to destroy the harmonious working of the Constitution for the sake of getting rid of an unacceptable president . . .<sup>36</sup>

On the other hand, that Radical leader of great power and persuasion, Charles Sumner wrote:

If Andrew Johnson is not guilty, then never was a political offender guilty before . . . he has set your laws at defiance, and when Congress . . . strove to constrain him, he broke forth in rebellion against the constitutional authority . . . For myself, I cannot despair of the Republic. It is a lifeboat which wind and wave cannot sink; but it may suffer much and be beaten by storms. All this I clearly see before us, if you fail to displace an unfit commander, whose power is a peril and a shame . . .<sup>37</sup>

Sumner's remarks reflected his concern for the future of the nation, but also his confidence that the troubled events would not defeat this sturdy republic. Sumner judged the nation correctly. As for individuals, the impact of the impeachment proceedings influenced the fate of some political lives more than others.

Senator Fessenden, sometime friend, sometime foe of Charles Sumner, never quite escaped from his decision to vote for acquittal. At the time he defended himself saying:

The consequences which may follow either from conviction or acquittal are not for me, with my convictions, to consider. The future is in the hands of Him who made . . . the universe, and the fear that He will not govern it wisely and well would not excuse me for a violation of His law.<sup>38</sup>

Fessenden had many opportunities to remind himself that the personal consequences of his act were of small importance. His defense failed to convince Maine Republicans. They subjected him to a barrage of anger and criticism for his betrayal of the Radicals' cause. Some political opponents and Republican newspapers continued to abuse him throughout the remainder of his life. Others adopted an air of indifference and ignored him. When Fessenden died in 1871, former friends had not been reconciled. However, Senator Sumner cast aside any lingering disappointments over Fessenden's defection and eulogized his old associate.

Senator Benjamin Wade endured widespread censure for his active involvement in the trial proceedings. Some thought it unseemly and unethical that the individual to gain the greatest personal boon from a conviction—succession to the presidency—should sit in the trial. Wade did not enhance his image when he voted with the Radicals. The defeat of the removal attempts also brought to a conclusion Wade's political service. At the end of the Fortieth Congress he retired from public life and returned home to Ohio. Wade did not hold another elected office, but continued to exert some small political influence.

He died in 1878, still loyal to the Republican party.<sup>39</sup>

Charles Sumner continued his work in the Senate. Weary though he was from his political battles and physical ailments, Sumner did not abandon his efforts to promote universal equality. He remained a unique figure in Senate history, a man either loved or hated by his colleagues. This intense response to Sumner is in part explained by his unfaltering insistence that black citizens were entitled to a full share of civil rights and privilege before the law. Sumner never wavered from that concept and would not alter it to accommodate political expediency. For that his peers sometimes regarded him as inflexible, but Sumner ignored such charges for he demonstrated the commendable quality of total political commitment to an ideal.<sup>40</sup> Charles Sumner continued to champion the cause of human equality during the remainder of his Senate service.

In the general political arena the impeachment proceedings did clarify for the American public and the world that our system could endure such an awesome test. That such a crisis followed so quickly upon the heels of bloody national strife only reinforced the realization that the American democratic system was amazingly resilient.

However, the procedure also showed that the Radical Republicans possessed only a tenuous hold on their congressional leadership. With the failure of this major congressional endeavor, the Radicals shortly saw their power base erode. In August 1868 the death of Representative Thaddeus Stevens, an arch foe of Johnson, further weakened the leadership of the Radicals. Wade had retired, as did one of the sources of the controversy, Edwin Stanton. Representative James Ashley of Ohio, an early Johnson opponent, also departed from the scene politically crippled by the collapse of removal efforts. His constituents did not forget that Ashley introduced the first House impeachment resolutions and they declined to re-elect this Radical.<sup>41</sup>

The central figure in the scenario, President Andrew Johnson, had but a short time to serve in his term. His own party gave no thought to a re-nomination for the outcast executive and passed the Republican standard to Ulysses S. Grant. Johnson may have hoped, aware of the Republican scorn, to secure a presidential nomination from the Democrats. This did not materialize. The Democrats let Johnson know that his Reconstruction efforts were appreciated, but members of the minority party were reluctant to embrace openly a president whose public posture was often so exceedingly bad.<sup>42</sup>

Johnson's term formally expired on March 4, 1869. The rejected Johnson, then sixty years old, and not in the best of health, returned to his home in Tennessee. In 1875 the former president succeeded in securing a senatorial seat from the Tennessee legislature, and he returned to Washington to the Senate chamber and took his oath of office. Again Johnson's political exploits caused the Senate galleries to be packed with curious spectators. Johnson entered the chamber and faced many of his old foes—Logan of Illinois, an impeachment manager from the House, now in the Senate. Boutwell, Frelinghuysen, Anthony, Sherman, Cameron, Howe, Morrill, and Conkling rounded out the list of former opponents.

After a moment of stillness, the senator from Tennessee stepped forward and began to shake hands with his colleagues. One more time the Senate galleries burst into a noisy display in response to a poignant moment in the difficult political career of Andrew Johnson.

Johnson's moment of personal vindication lasted but a brief time. Only five months later, in July 1875, he died of a stroke at the home of his daughter. His death brought to a close the impeachment epoch. For the persons who experienced the passions and the challenges of the only presidential impeachment and trial in our nation's history, the ramifications were both personal and political.

Yet, in the midst of these overwhelming and weighty deliberations it is easy to forget that other matters demanded Senate attention. The Senate could not permit itself to be entirely preoccupied with impeachment and Reconstruction business.

The economic and political development of the trans-Mississippi West also required Senate deliberation. Repeatedly, the topic of Indian land claims and treaty negotiations faced the Senate. A major focus concerned the development of rail transportation in the West. By 1867, the Senate began to question the slowness of track completion for the trans-continental railroad, as well as to inquire into the number of bonds issued to the Union Pacific Railroad.<sup>43</sup> Other Western issues concerned the right of way and land grants to mining companies and the economic administration of the territories. It was the Fortieth Congress that received the official notice of the transfer of territory from Russia, and thus the Senate acknowledged the acquisition of Alaska. All these items pointed to the burgeoning national promise to be found in the far West.

Yet all the travail of Reconstruction had not disappeared. The trial of Andrew Johnson simply altered its nature and quality. In my next state-



ment, which will be my fifty-ninth statement on the history of the Senate, I shall direct my remarks to the second phase of the Reconstruction area.

FOOTNOTES TO "ERA OF RECONSTRUCTION, 1865-1868"

<sup>1</sup> Samuel E. Morison, Henry S. Commager, and William E. Leuchtenburg, *A Concise History of the American Republic* (New York: Oxford University Press, 1977), 319-20.

<sup>2</sup> Kenneth Stampp, *The Era of Reconstruction* (New York: Random House, 1965), 84.

<sup>3</sup> John Sherman, *Recollections of Forty Years in the House, Senate, and Cabinet: An Autobiography*, Vol. 1 (Chicago: Werner, 1895), 361.

<sup>4</sup> *Ibid.*, 351.

<sup>5</sup> Edward L. Pierce, *Memoirs and Letters of Charles Sumner: 1860-1874*, Vol. 4 (Boston: Roberts, 1893), 245.

<sup>6</sup> James M. McPherson, *Ordeal by Fire: The Civil War and Reconstruction* (New York: Alfred A. Knopf, 1982), 497.

<sup>7</sup> Pierce, *Memoirs and Letters*, 270.

<sup>8</sup> *Ibid.*, 248-49.

<sup>9</sup> *Ibid.*, 250-51.

<sup>10</sup> Sherman, *Recollections*, 363-64.

<sup>11</sup> McPherson, *Ordeal by Fire*, 500.

<sup>12</sup> *Ibid.*, 501.

<sup>13</sup> William H. Barnes, *History of the Thirty-Ninth Congress* (New York: Harper and Brothers, 1868), 22-24, 569-70.

<sup>14</sup> *Congressional Globe*, 39th congress, 1st sess., 1.

<sup>15</sup> *Ibid.*, 3.

<sup>16</sup> Barnes, *History of the Thirty-Ninth Congress*, 49.

<sup>17</sup> McPherson, *Ordeal by Fire*, 575.

<sup>18</sup> Barnes, *History of the Thirty-Ninth Congress*, 276.

<sup>19</sup> *Ibid.*, 277-79.

<sup>20</sup> William R. Brock, *An American Crisis: Congress and Reconstruction, 1865-1867* (London: St. Martin's Press, 1963), 127.

<sup>21</sup> McPherson, *Ordeal by Fire*, 520.

<sup>22</sup> Francis Fessenden, *Life and Public Services of William Pitt Fessenden*, Vol. 2 (Boston: Houghton, Mifflin, 1907), 123-24.

<sup>23</sup> McPherson, *Ordeal by Fire*, 523.

<sup>24</sup> Georges Clemenceau, *American Reconstruction: 1865-1870, and the Impeachment of Andrew Johnson* (New York: Lincoln MacVeagh, 1928), 156, 162.

<sup>25</sup> *Trial of Andrew Johnson, on Impeachment*, Vol. 1 (New York: Da Capo Press, 1970), 10.

<sup>26</sup> Hans L. Trefousse, *Impeachment of a President: Andrew Johnson, the Blacks, and Reconstruction* (Knoxville: University of Tennessee Press, 1975), 151.

<sup>27</sup> *Congressional Globe Supplement*, 40th Congress, 2nd sess., 41.

<sup>28</sup> Robert W. Winston, *Andrew Johnson: Plebian and Patriot* (New York: Henry Holt, 1928), 440.

<sup>29</sup> Michael Les Benedict, *The Impeachment and Trial of Andrew Johnson* (New York: W. W. Norton, 1973), 171.

<sup>30</sup> *Ibid.*, 172.

<sup>31</sup> *Congressional Globe Supplement*, 40th Congress, 2nd sess., 405.

<sup>32</sup> *Ibid.*, 406.

<sup>33</sup> *Ibid.*, 409.

<sup>34</sup> *Ibid.*, 410.

<sup>35</sup> *Ibid.*, 411.

<sup>36</sup> *Ibid.*, 424.

<sup>37</sup> *Ibid.*, 474.

<sup>38</sup> Fessenden, *Life and Public Services*, 273.

<sup>39</sup> A. G. Riddle, *The Life of Benjamin Wade* (Cleveland: William W. Williams, 1886), 386-96.

<sup>40</sup> Pierce, *Memoirs and Letters*, Vol. 4, 504.

<sup>41</sup> Trefousse, *Impeachment of a President*, 183-85.

<sup>42</sup> *Ibid.*, 192.

<sup>43</sup> *Senate Journal*, 40th Congress, 2nd sess., 43.

Mr. BYRD. Mr. President, I thank the Presiding Officer for his patience. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION POLICY IN NICARAGUA IS COUNTERPRODUCTIVE

Mr. PELL. Mr. President, the President's acknowledgement yesterday of the U.S. Government's covert support for insurgent activity in Nicaragua reinforced the grave concerns I already had about our policy toward that country. It reinforced my belief that what the administration is doing is directly contrary to the best interests of the United States and against the will of the American people.

The President stated that the U.S. Government is not trying to overthrow the Nicaraguan Government, but it is difficult not to reach the opposite conclusion when one considers the present situation there along with recent press reports. These reports pretty much confirm what has been suspected these many months about U.S. covert support for the anti-Sandinista forces, many of whom formerly served in the security forces of the hated former dictator, Anastasio Somoza. These forces had been operating from bases in Honduras and are now operating in Nicaragua proper in their effort to topple the present government. As I read the legislation and the comments of persons such as Chairman Wyche Fowler of the House Intelligence Oversight Committee, who just returned from Nicaragua, the administration is very close to being in violation of the law.

Last December, the Congress enacted a measure designed to prevent exactly what is happening today. The provision, known as the Boland amendment, states that money could not be spent "for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras." I share the concern of Senators MOYNIHAN and LEAHY of the Senate Intelligence Committee regarding the possible violation of the law. It strains credibility to argue that U.S. support for the anti-Sandinista forces is designed only to make it more difficult for Nicaragua to help the guerrillas in El Salvador when the anti-Sandinistas are clearly bent on overthrowing the Sandinista regime. They are not risking their lives just to give the Sandinistas a hard time.

In my view, the administration's policy toward Nicaragua is proving counterproductive because it is driving that beleaguered government even more into the arms of the Cubans and the Soviets and is going to accelerate the polarization that is taking place within the country. Eden Pastora, the hero of the Nicaraguan revolution in 1979 against the Somoza dictatorship, and present leader of an anti-Sandi-

nista group based in Costa Rica, has refused to join the anti-Sandinista guerrillas because of its Somoza links. Pastora and his associates argue that the U.S. backing for the guerrillas is making matters worse because of the polarization it is causing inside Nicaragua. It is making it more difficult for the forces associated with Pastora to make inroads when the people are rallying behind the Sandinistas in reaction to the support the United States in giving to the former Somocistas. On the other hand, the Nicaraguan people are paying dearly as this polarization has seen a hardening of restrictive and repressive policies which have affected freedom of the press and religion.

The Miskito Indians are especially paying for the present U.S. policy. Randall Richards in the Providence Journal reported on April 3, that a Moravian pastor and Miskito leader, who himself was earlier placed in jail by the Sandinistas, said that the United States must stop exploiting the Miskitos. He said that U.S. policies are preventing the return of thousands of Miskitos from exile in Honduras. The Miskito leader argued that the United States should stop providing weapons and training for the counterrevolutionaries and should use its offices to bring about a dialog between Nicaragua and Honduras.

Yet another reason for my concern about the present situation is the very real possibility that the current fighting in Nicaragua could soon erupt into a Central American-wide conflagration. I have long warned of this possibility and this was one of the reasons why I opposed a little-known Defense Department project to modernize airfields for military use in Honduras when it was before the Congress last summer. On June 30, I introduced an amendment which would have prohibited the use of funds for the modernization of three airfields. The measure lost by a 65-29 vote but a sufficiently aroused House of Representatives succeeded in cutting the project back so that only one field is being improved.

I noted that the runways would be designed to land U.S. tactical aircraft and thus personnel and equipment, and expressed my concerns that the project would exacerbate the fragile relationship that existed between the United States and Nicaragua. The Nicaraguans, even then, believed that Honduras was cooperating with U.S.-backed anti-Sandinista groups operating on the border. Furthermore at that time, I expressed my concern over the possible provocation of Nicaragua into attacking Honduras which might provide a rationale for the use of U.S. forces in Honduras and for the expansion of the U.S. military role in Central America. I believed then that U.S. policy had the potential for involving Honduras and more importantly, the

United States, in a widening Central American War. I fear that my premonitions of last year are getting closer to reality.

I am becoming increasingly worried about the prospects of Cuba being drawn into the battle if the Sandinistas perceive that they may be facing defeat. The repercussion of this would be disastrous as the chances for more direct military involvement between Nicaragua and Honduras and even with the United States would most certainly be increased.

The dangerous absurdity of all of this is that the United States is increasingly alone and isolated in its policy toward Nicaragua. Nations such as the Netherlands, France, Spain, and Mexico supported the Nicaraguan charge that the United States was backing insurgents intent on overthrowing the government in the debate in the U.N. Security Council at the end of March. Only Honduras enthusiastically backed the U.S. view of the situation. How sad it was to see Ambassador Kirkpatrick respond to charges of U.S. involvement by charging Nicaragua with sending arms to neighboring countries which is incidentally, just what we are doing. Moreover, the moral standards of our great Nation should not be determined by the lower standards of other nations.

This current policy of covertly supporting anti-Sandinista operations in Nicaragua places our Nation in a very contradictory and hypocritical moral position. On the one hand, we strongly condemn Nicaragua for its covert supplying of arms to the guerrillas in El Salvador, but on the other, the administration, by its actions, believes that it is fine to covertly support forces attempting to overthrow the Nicaraguan Government.

Mr. President, I strongly feel that we are rapidly reaching a point from which there may be no turning back from disaster. The U.S. Government should cease its aggressive counterproductive policy. The administration should remember that it is in the best interests of this country to live in peace with a Nicaragua that could be encouraged to adopt more moderate policies and made to feel at ease with its sister nations in the Western Hemisphere community.

The need for negotiations is urgent and I believe the United States should engage Nicaragua in a serious discussion of major differences. Nicaragua must sit down with Honduras and do the same thing. Other nations of the region such as Mexico might help in mediation efforts but I would caution against a Central American "solution" that would be imposed on Nicaragua.

Finally, I firmly endorse the call of Episcopal Bishop George Hunt of my own State of Rhode Island as well as Bishops John T. Walker of Washing-

ton, D.C., and H. Coleman McGehee of Michigan, who after a visit to Nicaragua a few weeks ago, appealed in a letter to the President for the opening of a dialog with the Nicaraguan Government. The Bishops also called for an end to U.S. aid to the anti-Sandinista forces.

Last December, I delivered a statement on the Senate floor citing the need for a positive change in U.S. policy in Central America. My principal message on Nicaragua bears repeating these 4 months later.

We must get our relations with Nicaragua back on track by ceasing our negative activities, by opening a sincere and honest dialogue. . . . A turnaround in our policy toward Nicaragua could very well signal the beginning of a positive U.S. policy toward Central America.

Mr. President, I ask unanimous consent that the text of the letter signed by the three Episcopal Bishops and articles by Randall Richards, which appeared in the Providence Journal of March 27, 30, and April 3, and by Roland S. Homet, Jr., which appeared in the New York Times on April 6, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIocese of Washington,  
Washington, D.C., March 29, 1983.

DEAR MR. PRESIDENT: We, the undersigned, write you at this time because the subject of Nicaragua has become a matter of public concern and debate. We write as individuals, bound by the imperatives of the Gospel of Jesus Christ, and as citizens and voters, who also hold positions of responsibility in the Episcopal Church in the United States. We do not write as representing the Episcopal Church nor any other organization of which we may be members. We are George N. Hunt, Bishop of the Episcopal Diocese of Rhode Island, H. Coleman McGehee, Jr., Bishop of the Episcopal Diocese of Michigan, and John T. Walker, Bishop of the Episcopal Diocese of Washington.

We have just returned from an intense visit in Nicaragua. During our time there we were able to visit with people representing every political point of view. We also visited many places in Managua and its environs including Masaya and Granada.

We were asked to come to Nicaragua by the Rt. Rev. Cornelius J. Wilson, Episcopal Bishop of Costa Rica who also serves as Interim Bishop of the Episcopal Church in Nicaragua. In the company of Bishop Wilson we conversed at length with the Papal Nuncio, the Archbishop of Managua, leaders of the Episcopal Church of Nicaragua, representatives of two important ecumenical groups, a number of persons of the Eastern or Mesquito Coast of Nicaragua (one of them being a priest of the Episcopal Church and another a pastor of the Moravian Church. The latter Church is a product of missionary activity supported by the Moravian Church of Pennsylvania). In addition we were able to interview at length one member of the ruling Junta of the Sandinista Party, Senor Sergio Ramirez, and Senor Carlos Tunnermann, the Government's Minister of Education.

What we saw and heard led us to conclude that the vast majority of people in Nicaragua want a dialogue to begin immediately

among the differing groups within the country regarding the political direction of the nation. Of equal clarity is their desire that a similar dialogue begin between the United States and the Government of Nicaragua. Everywhere we were asked to convey this message to our President and to the American people. Hence, the open form of this letter.

We recognize how complicated the problems are in Central America and particularly with the differing factions in Nicaragua. Nevertheless, our experience in Nicaragua leads us to ask three things of you.

First, that serious consideration be given to the opening of dialogue with the Nicaraguan Government. This is urgent because we came away believing that there is yet time to influence the leaders of the revolution in Nicaragua.

Second, that a bold and imaginative initiative, a kind of "Marshall Plan" for Central America, be made to assist those who are victims of strife along the frontier or who have been displaced by the revolution or by counter-revolutionary activities; and those made homeless by recent floods. Medical supplies and food are needed immediately.

Finally, we trust that if we are in any way aiding the contra-revolutionary forces (the Sandinistas) that such aid will cease and that our efforts will be used to help provide stability internally and along the border. The most commonly held view in Nicaragua is that we are supplying arms to the Sandinistas as well as to the people of the East Coast.

Far be it from us to presume that we are more knowledgeable than those who are responsible for our nation's foreign policy. Nor are we naive about the importance of the threat of marxism or the influence of other communist governments in Nicaragua. We do believe that through dialogue we may have a positive effect on Nicaragua and on the other nations of Central America. Absent any dialogue we may find that our worst fears may become a self-fulfilling prophecy.

Sincerely yours,

JOHN T. WALKER,  
Bishop of Washington.  
GEORGE N. HUNT,  
Bishop of Rhode Island.  
H. COLEMAN McGEHEE, JR.,  
Bishop of Michigan.

[From the Providence Journal, Mar. 27, 1983]

#### U.S. BISHOPS ASK REAGAN TO STOP OPPOSING SANDINISTAS

(By Randall Richard)

MANAGUA, NICARAGUA.—Moved by what they described as compassion and openness in the Sandinista revolution, the Episcopal bishops of Rhode Island, Costa Rica, Michigan and Washington, D.C., will ask President Reagan to end any U.S. support of anti-Sandinista guerrillas.

In an open letter scheduled for release on Wednesday, the four bishops also planned to urge the President to begin a "dialogue" with the Sandinistas.

They will also request humanitarian aid to Nicaragua, especially for those displaced by the increased fighting along the nation's border with Honduras.

The bishops' findings contrast sharply with the administration's view that the leftist Sandinista government represents a menace to the hemisphere.

The bishops wrote their statement after seeing what Nicaraguan officials claim is a



cache of arms supplied by the United States to anti-Sandinista guerrillas, and after they heard a top government official claim the CIA is training and backing the anti-government forces.

They met with Episcopal and Roman Catholic leaders as well as top U.S. and Sandinista officials here.

Before returning to Rhode Island at the end of his four-day tour, Bishop George Hunt said that one of the major discoveries of his visit was the compassion that he found within the Sandinista leadership:

"There is a sense that the people who are most powerful in the revolution . . . deeply care about their people. This compassion for people—this deep caring—was evident in the people we talked with."

The other bishops agreed and said they were particularly distressed that the United States has refused to begin a "dialogue" with Nicaragua.

Bishop John Walker of Washington said he was especially impressed with the "humane aspects" of the Sandinista revolution:

"Unlike most revolutions there has not been the kind of recriminations against those who were on the other side—the killings and the bloodshed. I am also impressed with the tremendous effort to contain the forces that attempt to overturn the revolution and with the work being done to bring unity to this country."

The U.S. bishops came to Nicaragua at the request of Bishop Cornelius J. Wilson of Costa Rica, who is also the acting Episcopal bishop for Nicaragua.

Although the estimated 7,000 Episcopalians in Nicaragua make up only a tiny percentage of the population, the visit by the bishops was viewed here as significant for several reasons—not the least of which is the perception that the Episcopal Church wields considerable influence on policymakers in the United States.

The tour also closely followed the visit here by Pope John Paul II—a visit that turned into a public relations disaster for the Sandinistas and served to underscore the growing rift between a Roman Catholic hierarchy that has grown suspicious of Sandinista goals and tactics and a number of priests, nuns and lay-people who continue to support the revolution.

And while the Episcopal Church here is relatively small, the majority of its members are Miskito Indians from Nicaragua's Atlantic coast—a section that has become a major staging area for anti-Sandinista activity.

Three of the church's 12 deacons, in fact, have been arrested and jailed in the course of the four-year-old Sandinista revolution. And the church's treasurer in the Atlantic coast town of Tasbaponi—a lay person—is still in prison as a suspected gun-runner.

In addition to meetings with U.S. Ambassador Anthony Quainton and Roman Catholic Archbishop Miguel Obando y. Bravo—an increasingly outspoken critic of the Sandinistas—the Episcopal bishops also spoke with Mgr. Andres Cordero Lanza d'Mondezmo, the Vatican's diplomatic representative in Managua, and with the Rev. Norman Bent, a Miskito leader who had once been imprisoned by the Sandinistas.

But it was their meeting with Dr. Sergio Ramirez, a member of Nicaragua's three-man ruling junta, that appeared to most impress the bishops—a two-hour session marked by sometimes pointed questions, especially from Bishop Hunt.

In his opening remarks to the bishops, Ramirez declared that they had come to Nicaragua

"at one of the most difficult times for the revolution."

Only hours earlier, he said, Nicaragua was invaded by "two thousand armed men—most of them Somoza's guardia (the members of Anastasio Somoza's National Guard who fled Nicaragua after the dictator was ousted by the Sandinistas in 1979).

"Given the population of Nicaragua, it would be as if two million soliders had just invaded the United States . . ." he said.

In response to a question from Bishop H. Coleman McGehee of Michigan, Ramirez declared that "there is no doubt that these two thousand men have been armed by the United States . . . and that another two thousand are in Honduras waiting to come in."

The session went this way: Bishop Hunt: "... We've been about a great deal for the last few days and I don't feel a sense of oppressiveness among the people in the countryside or in Managua. There's not that sense that I would have expected to feel on the heels of a revolution. But . . . I have a concern that somehow the revolution remain open-ended—free to continue to grow and develop and not be closed off either by the dictates of Marxism on the one hand or the dictates of capitalism on the other. And what seems to be emerging is a fairly closed and doctrinaire Marxist ideology which would be, in my humble judgment, destructive to the revolution itself. . . ."

Ramirez: "We are concerned that this honest perception that you have is also an extreme: That is to say, so that Nicaragua doesn't become converted into a Marxist dictatorship—so that Nicaragua doesn't fall into the claws of communism—the Reagan administration wants to save us and keep us under the protection of U.S. democracy—the U.S. democratic system, that is an extreme."

"To fulfill that objective, the Reagan administration is using the members of Somoza's guard, which he has armed to massacre the Nicaraguan people, before and now. This is the guardia—this is the army that the U.S. maintained here for 50 years—an army that was defeated by the people. The remainder of this army fled to Honduras and the United States."

"The CIA has organized them again to attack us—to guarantee that we stay in the democratic system, and that communism doesn't come to Nicaragua. And today, just before you got here, we received news of the murder of three technicians from the Ministry of Construction, three civil engineers who were working on new roads on the northern border. Yesterday, three technicians from the agrarian reform office were killed—three agricultural technicians. In these days, volunteer adult education teachers have also been killed. All this to fight communism. This makes us wonder if Reagan is mistaken and if what he really wants from Nicaragua is democracy or a dictatorship just like the one we had for the last 50 years before the triumph of the revolution."

Bishop Hunt: "It is easy for us to go home and tell the people what we see—what I described earlier . . . But there is a kind of paranoia—not only in the Reagan administration, but throughout much of the United States—about Marxist communism. When the specter of a Soviet satellite in Central America is raised in any form it becomes very, very difficult to be rational in one's conversation about it. Can you say something that will help?"

RAMIREZ: "The Reagan administration sees the danger of cancer in the patient . . . From its examination they say the patient does not have cancer yet but there is a danger of cancer in the future . . . that it is best to shoot him and get it over with so he doesn't contract cancer. This is his remedy. . . ."

Bishop WALKER: "We go back and some people are going to say we didn't ask the right question vis-a-vis the Soviet Union—that the Soviet Union is working its will through Cuba to change the face, not only of Nicaragua, but all of Central America. Would you respond to that?"

RAMIREZ: "That is a classical argument. It comes from a cultural formation in the United States—that Marxism and communism are the devil's process and could infest Central America from Nicaragua. That does not permit any type of reasoning."

"That was the reason given for the U.S. Marines to invade Nicaragua before the Bolshevik revolution in the Soviet Union . . . Leninism had not yet taken over the government in Russia when the United States came into Nicaragua. The Soviet Union did not exist at that point. . . ."

"Central America is not a confrontation between East and West . . . It involves people who live with great riches and those who have nothing. That is the problem. That is what the Nicaraguan revolution is about—to distribute the riches better—in a just society. This is a Christian view—a humanist revolution. We are confronted with Reagan because he is not a humanist. . . ."

Bishop McGEHEE: "How do you respond to charges in the United States that you are passing arms from the Soviet Union and Cuba on to El Salvador?"

RAMIREZ: "... We never give arms to the Salvadorans, but not because we do not want to give them. Morally, we should give them but we do not give them for other reasons. First, we don't give them because if we did it would be an excuse for Reagan to invade. Also, we believe that these countries should solve their own problems. It would be childish on our part to give arms to all the people of Central America who need them—to give arms, like Reagan gives arms, to all these counter-revolutionaries who came into Nicaragua."

To underscore his charge that the United States is supplying arms to the anti-Sandinistas, Ramirez gave the bishops a tour of an auditorium filled with rifles, machine guns, mortars and explosives.

He said they were all manufactured in the United States and were taken from the anti-Sandinista guerrillas.

Dr. Robert Renouf, an Episcopal priest in Managua who hosted the visit, said there were two points made repeatedly throughout the meetings:

"The idea that this country has a revolution because of outside influence from the Soviet Union and the Cubans is just not true . . . Poverty, injustice, inequality—that's what this revolution is all about. . . ."

"The other thing is—as I read the U.S. press—is the idea that if the United States invaded . . . that Masaya Highway would be just lined up with people with American flags just waving them in. That's not where they would be. They would be on the border driving them out."

"Nicaraguans may have some complaints about this government but they are not going to get rid of it for the U.S. substitute—that's just America's lack of reality. . . ."

**BISHOPS URGE MANAGUA AID**  
(By Richard C. Dujardin)

PROVIDENCE.—The Episcopal bishops of Rhode Island, Michigan and Washington, D.C., today called on President Reagan to undertake a "bold and imaginative" economic aid plan for Nicaragua similar to the kind of aid provided to Europe after World War II.

Bishops George N. Hunt III of Rhode Island, H. Coleman McGehee of Michigan and John T. Walker of Washington, D.C. also reiterated a call, made last Saturday as they were ending a four-day trip to Nicaragua, that the United States needs to open a "dialogue" with the leaders of Nicaragua's Marxist Sandinista government.

Their appeal, in the form of an open letter to President Reagan, insisted that there is still time to influence the leaders of the revolution, but only if the U.S. undertakes to talk with Nicaragua's Marxist leaders. They said the economic aid to Nicaragua could be "kind of a Marshall Plan for Central America" and should try to assist those who have been victimized by strife, revolution, counter-revolutionary activity and floods.

At a news conference today, Bishop Hunt said he was struck during their trip that even right-wing critics of the government there had the feeling the United States was meddling too much in Nicaragua's affairs through covert CIA operations.

He said his trip has also caused him to change his attitude toward Marxism.

"Two weeks ago I would have been among those who said the basic tenets of Marxism and Christianity are not compatible. I now believe that it is possible for Marxist ideology to evolve in such a way that both the Church and the Marxist ideology can live compatibly in the same person. This has not been the experience certainly in the Soviet Union, China, Cuba and other countries."

He said he found Nicaragua to be completely calm and without tension and "I felt safer walking the streets of Managua at 10 o'clock at night than I do walking in downtown Providence."

While the bishops' letter stops short of accusing the United States of actually providing covert aid to anti-Sandinista counter-revolutionaries, Bishop Hunt said, "In my own mind there is no question whatever that the CIA has been directly involved in an attempt to subvert the present government and to bring it down."

The bishops traveled to Nicaragua after the confrontational visit there by Pope John Paul II. The Pope made it clear that he and the Sandinistas clearly were at odds.

**AMERICAN AGITATION IN NICARAGUA MAY SNAG INDIANS' REPATRIATION—CHURCH LEADER CITES COVERT U.S. EFFORT TO ARM THE MISKITOS AGAINST SANDINISTAS**  
(By Randall Richard)

MANAGUA, NICARAGUA.—The Sandinista government of Nicaragua reportedly is considering two proposals for the eventual return of more than 40,000 Miskito Indians to their tribal lands along the Rio Coco.

The proposals are contained in previously undisclosed letters from officials of the Moravian Church here and from Miskito leaders living in exile in Costa Rica.

But according to a Miskito pastor here, the United States is blocking the repatriation by engaging in covert efforts to turn the Miskitos into an armed force against the Sandinistas.

The Sandinistas forced the Miskitos off the Rio Coco 15 months ago in an attempt

to prevent Honduran-based, anti-Sandinista guerrillas from crossing the river into Nicaragua.

The Rio Coco, which forms Nicaragua's western border with Honduras, has been a major staging area for anti-Sandinista activity since December, 1981.

More than 400 Miskitos have been jailed by the Sandinistas since then for allegedly collaborating with "counterrevolutionaries" and 10,000 others have been evacuated to resettlement camps 60 miles south of the river.

An additional 18,000 Miskitos fled Nicaragua rather than be moved to the camps—about 15,000 to Honduras and 3,000 to Costa Rica—while another 15,000 settled in Nicaragua's Atlantic Coast town of Puerto Cabezas and in surrounding villages.

According to one report, the exodus of Miskito and other Indians from Nicaragua is continuing—the latest example being the "disappearance" two weeks ago of all 300 inhabitants of the Sumu Indian village of Awastingi, a village 60 miles north of Puerto Cabezas.

The Rev. Norman T. Bent, a Moravian pastor and Miskito leader who was arrested by the Sandinistas in January, 1982, said the Moravian pastor of Awastingi told him he had left his village two weeks ago and when he returned the following afternoon Awastingi was "a ghost town."

Mr. Bent said it is possible the Sumu villagers left voluntarily but residents of nearby towns, he said, reported to church officials that they believed that armed bands of anti-Sandinista guerrillas forced them to cross into Honduras.

In mid-January, he said, three Miskito villages totalling 800 people also "disappeared."

Such incidents and the tensions they create along the border, he said, make it difficult to negotiate the return of the Miskitos to the Rio Coco.

But the major stumbling block to the repatriation of his people, Mr. Bent said, is the United States.

The United States, he said, has been exploiting legitimate Miskito grievances in an effort to recruit anti-Sandinista guerrillas.

He said it is unlikely the Sandinistas will allow the Miskitos to return to their tribal lands as long as that effort continues.

Mr. Bent said it was the United States that his people looked to for support in their dealings with the Sandinistas but that trust has been betrayed:

"I believe that the United States could have been the greatest source of help for the Miskito Indians . . . but what the Reagan administration did was to get the Miskito Indians in exile involved in counter-revolutionary plans and connect them with the Somocistas (the members of Anastasio Somoza's national guard who fled Nicaragua after the dictator was ousted by the Sandinistas in 1979).

"If the United States had kept them apart from the Somocista counterrevolutionaries and had not exploited the mistakes made by the Sandinista government . . . I think there would be no Indian in a Sandinista jail right now, there would be no Indian in any counterrevolutionary activity and maybe there would be no Indian in exile right now in Honduras. . . ."

Mr. Bent said he has no proof that the United States is supplying arms to the Miskitos in Honduras but added that "it is obvious to everyone in the Miskito community where the guns are coming from."

If the United States really wanted to help the Miskitos, he said, it could take three

steps to make it possible for them to return to their tribal lands:

"Stop providing weapons and military training to the counterrevolutionaries.

"Use its offices to bring about a dialogue between Nicaragua and Honduras.

"Demand the rights of the Indians from the Nicaraguan government."

His church's proposal for the repatriation of the Miskitos will go nowhere, he said, unless border tensions between Nicaragua and Honduras subside.

Mr. Bent said his church's proposal to the Sandinistas includes several key points: that the Sandinistas respect original Indian land titles along the Rio Coco; that they permit the Indians to form a "free indigenous organization" and provide for greater participation in the Sandinista government; that the Sandinistas reinvest a greater share of the revenue from the resources taken out of eastern Nicaragua and that they increase medical, educational and transportation services in the area.

The Sandinistas, he said, have been "sympathetic" to most of those requests but "more dialogue will be needed to work out the details." His arrest by the Sandinistas a year ago last January, he said, was based on charges that he should have known about a plot by some of his people to declare eastern Nicaragua a separate country and that he should have done something to stop it.

For three months after his arrest he was prohibited from traveling outside Managua. Now, he said, he is free to travel throughout the country, and does so often, but he maintains a parish and relief center for the families of 365 Miskito prisoners in Managua.

The prisoners, all charged with counter-revolutionary activities, have been given sentences ranging from three to 14 years. Their convictions are under appeal.

Not one of those arrested, he said, was arrested on a battlefield or with arms: "They were all arrested in their beds at night simply because someone—perhaps a neighbor with a grudge—accused them of collaborating with the guerrillas."

Fifty-seven of those prisoners, he said, were acquitted after their trials but all remain in prison and no date for their release has been set.

Mr. Bent said it is unlikely any of the prisoners will be released as long as heavy fighting continues between the Sandinistas and the guerrillas.

He said there are, however, some encouraging signs that they eventually will be released. About 100 of the prisoners, he said, have been moved to open farms under minimum military supervision. They are given salaries, allowed to live with their families and can leave the farms with a special permit to visit relatives on the Atlantic coast.

"The prisoners view this as a good gesture on the part of the Sandinistas—as a sign that they will be given their freedom."

Mr. Bent said one of his church's proposals for the repatriation is the establishment of joint Sandinista and Miskito military patrols along the Rio Coco to prevent crossings by Somocista raiders.

Asked if he thought that was a realistic possibility, Mr. Bent said it was:

"If the Sandinistas guarantee Miskito rights—in black and white and with international supervision—then our people would be willing to take up arms on behalf of the Nicaraguan struggle. . . ."

"But the United States has got to stop exploiting the Miskitos and the Sandinistas



have got to be more mature in their dealings with our people. . . .

"Right now we are in the middle. We are the meat of the sandwich. We are being squeezed from both sides and that has got to end if there is to be a return to our homeland."

[From the New York Times, Apr. 6, 1983]

#### LET LATINS ALONE

(By Roland S. Homet, Jr.)

WASHINGTON.—A citizen unversed in Central American affairs may nonetheless inquire what United States interest is supposed to justify the political costs of breast-beating intervention in the growing-up process of an incidental neighbor.

The days of reflexive intrusion, of banana peonage and gunboat diplomacy, have surely passed. But some illusions may die slowly. In its policy toward El Salvador, the Reagan Administration appears to believe that if it recites a litany of accelerated elections and land reform it can intervene with military and economic support to shore up a beleaguered regime.

The issue this provokes is not so much the distinction between military advice and military training, much ballyhooed, or even the avoidance of progressive Vietnam-style entanglement. The question is: What proper business is it of ours?

Of course this growing-up process is noisy and uneven. (Consider our own families; consider ourselves.) Of course the Cubans and the Sandinistas would like to profit from the turmoil. That does not mean we have to help them. The cries of alarm now issuing from official Washington about destabilization of Mexico and the Panama Canal are so patently absurd as to manifest a root disdain for the long-run prospects of democratic stability and self-reliance throughout the region.

Turn back the calendar to North America 170 years ago. An armed rabble in the American Colonies has turned out its British governors and exiled much of the local propertied class. Dangerous doctrines of the "rights of man" have gained currency and helped to inflame a destructive revolution in France, the new country's only firm ally. Jacobin upstarts are circulating freely, preaching upheaval in many lands. What is a responsible great power to do?

Britain chose the War of 1812, in part to encourage the merchant class of America and to promote stability. It prevailed at Waterloo against Napoleon—the other great power of the day—but not against the unruly new regime in Washington.

What is the worst that can happen now?

El Salvador, like Nicaragua, may yield to a ragtag governance by factions not of our choosing. They may call themselves Communists, and they may stay. The internal economy of these countries may be disrupted, and innocent people may continue to be maimed, killed and dispossessed. Votes and speeches in the United Nations may for a time gain an added anti-American fervor. Is this more than a "great power" can abide? Are we incapable of taking a longer view? Thirty to 50 years after these upheavals, the region will in all likelihood be strengthened by the stability of self-determined states. And it would surely be better for the United States to have influenced this evolution by example and by good relations.

We can have our own "War of 1812" by proxy in Central America if we choose. The world, and our power position in it, will probably endure. But why lower our standing with a Sri Lanka, a Gabon or other re-

sponsible leaders of third-world opinion? Why confirm, and imitate, the Soviet Union's stand on great-power hegemony? Why pander to our own meanest view of ourselves? Why not demonstrate instead our grander confidence in the flow of history toward democratic self-rule?

Americans like to think of their country as a world leader. That calls, arguably, for vision and restraint exceeding that of a precinct policeman. We have serious long-range concerns—for nuclear arms reduction, for a stable Middle East, for international trade and finance—that summon the best in enlightened leadership. A short-term preoccupation with the to-and-fro of Central American wars diverts our energies and demerits our purposes.

#### POSTPONEMENT OF THE SALE OF F-16'S TO ISRAEL

Mr. DECONCINI. Mr. President, I rise today to speak to the issues raised by President Reagan's recent announcement that he is holding up his proposal to sell 75 F-16 fighters to Israel on the grounds that Israel continues to occupy Lebanon.

Two points require elucidation. First, the decision to postpone the sale has nothing to do with legal requirements as the President has suggested. Administration officials now agree that President Reagan misspoke when he stated that the law required a delay in the sale so long as Israeli troops continued to occupy parts of Lebanon. Under the Arms Export Control Act, arms sales to Israel could be stopped if it were determined by Congress or the administration that the invasion of Lebanon clearly violated the terms of Israel's 1952 arms sales agreement with the United States. No such determination has been made or attempted.

Second, the decision to postpone the sale has nothing to do with Israel's violation of the "spirit of the law" governing the transfer of arms between the United States and Israel. If this were truly the concern, the administration would delay all arms sales to Israel. In fact, however, the Reagan administration recently proposed to sell to Israel \$16 million worth of highly advanced Sidewinder air-to-air missiles.

If the need to comply with the law is not the motivating force behind the administration's decision, then what is? The intent of Mr. Reagan and his advisers is apparently to gain a measure of credibility with the Arab countries, especially Jordan, by taking what appears to this Senator as an unwarranted political "potshot" at our Israeli allies. The shabby execution of the announcement of the decision was only one part of an especially poorly conceived plan. Perhaps the plan grew out of the administration's feeling that it ought to do something to prod Israel into hurrying its departure from Lebanon, and it thought this was as good a way as any.

The decision to suspend the sale of F-16's, and particularly the off-the-cuff way it was announced, confused and insulted Israel. Furthermore, the decision has not had a noticeable impact on Arab behavior vis-a-vis Middle East peace talks. Indeed, most knowledgeable observers agree that the postponement will have no salutary impact on Arab policies.

No one—certainly not this Senator—objects to the President's efforts to help establish peace in the Middle East. If he can succeed in this worthwhile task, he will have made an indelible imprint on history. But he cannot successfully pursue this objective by undermining our ally, Israel. He must learn that measures such as public criticism or the suspension of particular arms sales serve no useful purpose in settling issues in which nations believe that their very existence is at stake.

The opponents of Israel would have us believe that, in the final analysis, Israeli and Arab actions are comparable. They would like us to forget that there is a strong element of principle in our support of Israel. They would like us to forget the generations of terrorism and genocidal war that they have launched against peaceful Israeli citizens.

To the extent that this Government accepts Arab propaganda and is publicly willing to rebuke the Israelis for the "invasion and occupation" of Lebanon, we lend credence to the Arab cause. In the process, we diminish our own position and that of our most steadfast ally, Israel. Granted that we live in a world of power politics and cynical alignments, what purpose does it serve to debase the currency of our own commitment? It certainly hurts Israel in its long-term struggle to survive in a region dominated by states and groups dedicated to its destruction.

The President and his administration should view the Israeli involvement in Lebanon in its proper historical perspective. He should immediately recognize, as most dispassionate observers do, that Lebanon has long served as a haven for terrorists launching attacks on civilian populations. There comes a point when nations can no longer tolerate that sort of activity. I further suggest to the President that he imagine himself to be in the shoes of the leaders of Israel. I hardly think that the President would be so quick to bandy about such terms as "invasion" or "occupation" to describe a response to the murder of U.S. citizens by terrorists operating out of Canada with the acquiescence, by default, of the Canadian Government. Furthermore, if such terrorism occurred against the United States, I hardly think that President Reagan would appreciate the threats by allies

that arms sales would be postponed or canceled unless the situation with Canada were quickly resolved.

In sum, Mr. President, if the United States hopes to play a useful role in settling the turmoil in the Middle East, it must engage in "nitty-gritty" negotiations. The nations involved must be willing to negotiate, but they cannot be forced to negotiate. The only way to achieve successful negotiations is when the parties to the dispute perceive that they can gain more out of the negotiations than they can gain from a continuation of the status quo. President Carter was well aware of this requirement and his quiet patience and diplomacy resulted in the monumental achievement at Camp David. Henry Kissinger understood that delicate negotiations were the only means for progress in the Middle East and thus perfected the technique of shuttle diplomacy. President Reagan should learn from these examples and drop the public rhetoric about Israeli aggressiveness. He should approve the sale of F-16's to Israel because by refusing to do so implicitly lays the blame for the unfortunate situation in Lebanon at Israel's doorstep.

I also believe that the Arab nations can and should learn from the example of Egypt. Under the courageous leadership of Anwar Sadat, Egypt dared to open diplomatic relations with Israel; it dared to take the first brave step toward ending the generations of turmoil and bloodshed that have deprived the Middle East of peace and prosperity. Today, those two erstwhile enemies live in reasonable accord. They have resolved rationally many of the outstanding problems which separate them. And, although difficulties remain, they stand as an example to the entire world that conflict is not inevitable, but that men and women with vision and commitment can make this a better world.

I firmly believe that the President can make a useful contribution to peace in the Middle East—but it should not be done at the expense of Israel.

#### REPEAL OF WITHHOLDING ON DIVIDENDS AND INTEREST

Mr. PRESSLER. Mr. President—I am a cosponsor of the amendment to repeal withholding on dividend and interest income. As an opponent of the withholding legislation during its consideration last July, I continue to believe that withholding will impose a serious burden on small savers and financial institutions alike.

It is unfortunate that this issue has generated so much controversy and ill will. In my opinion, it is unproductive and unnecessary. We are all here to protect the best interests of our constituents, even if those interests seem to differ widely. My hope is that a

compromise may still be worked out which will increase taxpayer compliance without requiring withholding on the accounts of honest taxpayers.

The goal of increased taxpayer compliance is a very worthy one. I have supported past efforts to limit the abuse of the tax code by increasing the number of IRS agents and by closing tax loopholes. However, the new withholding law is not the best method to boost compliance.

I am afraid that the taxpayers of our Nation are on the verge of a revolt. For many years, they have watched the Congress add regulation after regulation which all had the same end result—to increase their taxes and their paperwork burden. Americans' reaction to these increases has been one of deepening disgust and distrust of the Congress and the way our Federal Government works. This distrust is not healthy. Now, our citizens have let us know in no uncertain terms and in large numbers that they oppose the additional burden of withholding. If we once again move ahead with complete disregard of their concern, I believe we face serious consequences.

Much analysis has been done in recent years of the reasons that taxpayer compliance is so low and the incentive to cheat so strong. Most experts will tell you that one major reason is the disillusionment I spoke of earlier. We may lose a few more honest taxpayers if we allow withholding to stand.

Only 15 percent of dividend income and 11 percent of interest income is unreported to the IRS, according to their own figures. Is it necessary to alienate the 80-plus percent of the people who are honestly reporting theirs? If our aim is to increase compliance, let us do it in a manner which is acceptable to the American public. Let us add the necessary IRS agents, let us require that taxpayers submit their 1099 forms, but let us be sure that we do not further dishearten the American people by allowing the withholding law to stand.

#### DAMIEN OF MOLOKAI

Mr. MATSUNAGA. Mr. President, on this day a memorial observance is being held in Honolulu, during this Easter season, to commemorate the passing 94 years ago of a world-renowned figure from the history of my State. I refer to the Reverend Joseph Damien de Veuster of the Sacred Hearts order, better known as Father Damien of Molokai, the leper priest.

The observance will take the form of a marching band parade from Thomas Square, which honors the British admiral who recognized the Hawaiian kingdom's independence and rescinded an unauthorized challenge to its sovereignty by a fellow officer, down Bere-

tania Street, also named to recognize British goodwill, to the State Capitol, where Damien's statue stands facing the street and an eternal flame, honoring our war dead, next to the Governor's residence. The parade will be led by the band of Damien Memorial High School. Appropriate ceremonies will be held at the statue.

The statue is an exact copy of the unusual but inspired statue of Damien here in this Capitol as one of the two great figures from Hawaii's past to be honored in Statuary Hall. The Damien story of selfless devotion to outcast lepers, to the point of contracting the disease himself, has made an impression on people all over the world. It has inspired writers of the stature of Robert Louis Stevenson, his champion and defender; Gavan Daws, his biographer; and Aldyth Morris, author of the powerful play, "Lamien," with the world-class actor Terence Knapp in the leading role. And this Belgian priest inspired the distinguished Marisol Escobar, who sculptured his statue.

When it first entered the Capitol in 1969 its boxy frame and deformed face stood out from the traditional forms and attracted the curiosity of touring visitors. One of our police officers told me so many of them questioned him on it that we really should have a piece of literature to pass out explaining his story and how it fits the artist's depiction of the man. I investigated that idea but the cost would have been prohibitive, given the volume of visitors of the Hall. So I called Governor John A. Burns, now deceased, and asked him if he could send a plaque to affix to the base of the statue to tell the story of the leper priest. It arrived within 2 weeks. But I was informed that it would be against the rules to put it on. This setback took me to then House Speaker John McCormack, who told me he could not bend the rules—not even for his close friend and former daily communion companion at St. Peter's, John Burns, who had served as Hawaii's last Territorial Delegate in the House in the late fifties. But I put on my saddest countenance—my most hand-dog expression—and slunk slowly toward the door of his office. As I was going out the door, he called out, "It's against the rules, Sparky, but if you put it up when I'm not looking, I may not order it to be taken down." It was all the encouragement I needed. We had quietly put on and arranged a ceremony to mark the occasion—and I invited the Speaker to participate in order to secure his blessings, after which no one would dare to take it down.

The cause of sainthood for Father Damien is being pressed within the Catholic Church. I am told, and he has been recognized as someone worthy of being considered venerable, a major step in that process. He is cer-



tainly an inspiring figure from humble and selfless origins, Mr. President. For a moment of needed inspiration during our hard-working day, I urge my colleagues to visit Father Damien in the Hall of Columns.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-815. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a report on new contracts of \$100,000 or more which the Agency entered into without competitive selection procedures during fiscal year 1982; to the Committee on Foreign Relations.

EC-816. A communication from the Secretary of State, transmitting, pursuant to law, a report on payments by the Commodity Credit Corporation to U.S. creditors on credits guaranteed by the CCC on which payments had not been received from the Polish People's Republic; to the Committee on Foreign Relations.

EC-817. A communication from the Executive Secretary of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-818. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on a new Privacy Act System of records; to the Committee on Governmental Affairs.

EC-819. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-24, adopted by the Council on March 29, 1983; to the Committee on Governmental Affairs.

EC-820. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-23, adopted by the Council on March 29, 1983; to the Committee on Governmental Affairs.

EC-821. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law,

copies of D.C. Act 5-22, adopted by the Council on March 29, 1983; to the Committee on Governmental Affairs.

EC-822. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-21, adopted by the Council on March 29, 1983; to the Committee on Governmental Affairs.

EC-823. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-20, adopted by the Council on March 29, 1983; to the Committee on Governmental Affairs.

EC-824. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-825. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Congress Should Consider Revising Basic Corporate Control Laws"; to the Committee on Governmental Affairs.

EC-826. A communication from the Deputy Inspector General of the Department of Labor, transmitting, pursuant to law, a report of a computer match involving beneficiaries of state unemployment insurance and Health and Human Services and Veterans' Administration payroll records; to the Committee on Governmental Affairs.

EC-827. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-828. A communication from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Retirement Reform Act; to the Committee on Governmental Affairs.

EC-829. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the General Accounting Office for fiscal year 1982; to the Committee on Governmental Affairs.

EC-830. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting a draft of proposed legislation to add a representative of Indian tribal governments to the membership of the Advisory Commission on Intergovernmental Relations; to the Select Committee on Indian Affairs.

EC-831. A communication from the Assistant Attorney General for Legislative Affairs, transmitting drafts of proposed legislation to authorize the Department of Justice to conduct certain activities and make certain expenditures and to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1984, and for other purposes; to the Committee on the Judiciary.

EC-832. A communication from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend chapter 25 of title 18, United States Code, to provide penalties for the forging of endorsements on, or fraudulently negotiating, United States checks or bonds or securities, and for other purposes; to the Committee on the Judiciary.

EC-833. A communication from the Secretary of the Foundation of the Federal Bar

Association, transmitting, pursuant to law, the audit report of the Foundation for fiscal year 1982; to the Committee on the Judiciary.

EC-834. A communication from the Director of the Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend section 3006A of title 18, United States Code, to improve the delivery of legal services in the criminal justice system to those persons financially unable to obtain adequate representation, and for other purposes; to the Committee on the Judiciary.

EC-835. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the activities of the Department under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-836. A communication from the Assistant Attorney General for Administration, transmitting, pursuant to law, a report on the new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-837. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Department on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-838. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-839. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-840. A communication from the Acting Attorney General, transmitting, pursuant to law, a report on applications for orders and extensions of orders approving electronic surveillance under the Foreign Intelligence Surveillance Act; to the Committee on the Judiciary.

EC-841. A communication from the Secretary of Education, transmitting a draft of proposed legislation to consolidate existing Federal vocational and adult education programs, to simplify requirements for States and other recipients participating in Federal vocational and adult education programs, and to authorize certain State and national programs for the development of vocational and basic skills in the workforce that will improve productivity and economic growth, and for other purposes; to the Committee on Labor and Human Resources.

EC-842. A communication from the Assistant Secretary of Labor, transmitting, pursuant to law, a report on proposed fiscal year 1984 allotments to States for programs under title II-A of the Job Training Partnership Act; to the Committee on Labor and Human Resources.

EC-843. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Student Assistance General Provisions; to the Committee on Labor and Human Resources.

EC-844. A communication from the Secretary of Education (Educational Research and Improvement), transmitting notice that a report on financing of public and private elementary and secondary education in the United States will be transmitted to the

Congress by April 29, 1983; to the Committee on Labor and Human Resources.

EC-845. A communication from the executive director of the American Association of School Administrators, transmitting, pursuant to law, a report on the impact of chapter 2 of the Education Consolidation and Improvement Act on local education agencies; to the Committee on Labor and Human Resources.

EC-846. A communication from the Comptroller General, transmitting, pursuant to law, a report on the legislative and administrative changes needed to improve regulation of the drug industry; to the Committee on Labor and Human Resources.

EC-847. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report on recommendations for legislative action; to the Committee on Rules and Administration.

EC-848. A communication from the Deputy Administrator of the Veterans' Administration, transmitting, pursuant to law, a report covering those cases recommended for equitable relief for veterans; to the Committee on Veterans' Affairs.

EC-849. A communication from the Chairman of the President's Commission on Strategic Forces, transmitting a report on the strategic modernization program of the United States; to the Committee on Armed Services.

EC-850. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the annual report to the Congress on the Defense Industrial Reserve covering calendar year 1982; to the Committee on Armed Services.

EC-851. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report of the required information concerning the Department of the Navy's proposed letter of offer to Japan for defense articles estimated to cost in excess of \$50 million; to the Committee on Armed Services.

EC-852. A communication from the Deputy Secretary of the Treasury, transmitting a draft bill "to authorize appropriations for the Bureau of the Mint for fiscal year 1984, and for other purposes"; to the Committee on Banking, Housing, and Urban Affairs.

EC-853. A communication from the Administrator of the National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the Ocean Thermal Energy Conversion Report of the NOAA for fiscal year 1982; to the Committee on Commerce, Science, and Transportation.

EC-854. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a program management plan for the conduct of a research, development, and demonstration program for improving the safety of nuclear powerplants; to the Committee on Energy and Natural Resources.

EC-855. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Federal Coal Management Report for fiscal year 1982; to the Committee on Energy and Natural Resources.

EC-856. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting a draft of legislation "to amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by Federal departments and agencies of public lands controlled by the Bureau of Land Management,

Department of the Interior"; to the Committee on Energy and Natural Resources.

EC-857. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the operating, statistical, and financial information about the helium program for the fiscal year ending September 30, 1982; to the Committee on Energy and Natural Resources.

EC-858. A communication from the Acting Inspector General of the Environmental Protection Agency transmitting, pursuant to law, the final audit report of the Agency's portion of the hazardous substance response trust fund; to the Committee on Environment and Public Works.

EC-859. A communication from the Secretary of Transportation transmitting a draft of proposed legislation entitled "Appalachian Development Highway System Amendments Act of 1983"; to the Committee on Environment and Public Works.

EC-860. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, 3 prospectuses for Federal building alterations and 19 design projects for fiscal year 1984; to the Committee on Environment and Public Works.

EC-861. A communication from the Secretary of the Treasury transmitting a draft of proposed legislation to deny tax exempt status to certain bonds that are guaranteed by the FDIC or FSLIC; to the Committee on Finance.

EC-862. A communication from the Acting Assistant Secretary of State for Congressional Relations transmitting a draft of proposed legislation relative to authority for taking of certain actions by various Federal agencies in furtherance of settlement of claims between U.S. nationals and the Government of Iran; to the Committee on Foreign Relations.

EC-863. A communication from the Comptroller General of the United States transmitting, pursuant to law, the 1982 GAO Annual Report, volume II; to the Committee on Governmental Affairs.

EC-864. A communication from the Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, the fiscal year 1982 report on tribally controlled community colleges; to the Select Committee on Indian Affairs.

EC-865. A communication from the Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a plan for the use of certain judgment funds of the Mississippi and Lake Superior Bands of Chippewa Indians; to the Select Committee on Indian Affairs.

EC-866. A communication from the National Commander of the Civil Air Patrol transmitting, pursuant to law, the 1983 Civil Air Patrol Report to Congress; to the Committee on the Judiciary.

EC-867. A communication from the Communications Director of the President's Committee on Mental Retardation transmitting a list of the membership of the committee; to the Committee on Labor and Human Resources.

EC-868. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Funds Needed to Develop CPI Quality Control System"; to the Committee on Labor and Human Resources.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 607. A bill to amend the Communications Act of 1934 (Rept. No. 98-60).

## HOUSE CONCURRENT RESOLUTION PLACED ON THE CALENDAR

The Committee on the Budget was discharged from the further consideration of the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986, and the concurrent resolution was placed on the calendar.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DENTON:

S. 1059. A bill to provide that it shall be unlawful to deny equal access to students in public schools and public colleges who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this act; to the Commission on the Judiciary.

By Mr. WILSON:

S. 1060. A bill for the relief of Samuel Joseph Edgar; to the Committee on the Judiciary.

By Mr. DOLE:

S. 1061. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of bonds that are guaranteed by certain Federal agencies; to the Committee on Finance.

By Mr. PERCY:

S. 1062. A bill to amend section 474 of the Internal Revenue Code of 1954 to provide that small businesses with average annual gross receipts not in excess of \$10,000,000 may elect to use one inventory pool; to the Committee on Finance.

By Mr. DeCONCINI:

S. 1063. A bill to exclude from gross income any discharge of a mortgage debt on a principal residence occurring in 1982, and for other purposes; to the Committee on Finance.

By Mr. METZENBAUM:

S. 1064. A bill to amend the Urban Mass Transportation Act of 1964 to prohibit assistance to recipients which compensate officials at rates higher than rates paid to local officials; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EXON:

S. 1065. A bill to authorize continued Federal and State cooperative efforts to study the depleting water resources of the States of the high plains, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. BENTSEN, and Mr. BAUCUS):

S. 1066. A bill to amend the Internal Revenue Code of 1954 to allow an employer to provide participants in a defined benefit plan with supplemental retirement benefits through a defined contribution plan of the employer; to the Committee on Finance.



By Mr. PELL (for himself, Mr. CHAFEE, Mr. GLENN, and Mr. PERCY):

S. 1067. A bill to assist other countries in the protection of endangered species and to enhance international understanding and knowledge of environmental issues; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 1068. A bill to provide for the efficient utilization of wildlife resources conservation expertise by the Government of the United States and other nations for the purposes of enhancing the ability of such nations to manage their wildlife resources consistent with mankind's long-term best interests and providing reliable information upon which to guide United States actions; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. PELL, Mr. BIDEN, Mr. HUMPHREY, and Mr. DANFORTH):

S. 1069. A bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases; to the Committee on Energy and Natural Resources.

By Mr. GARN (for himself and Mr. PROXMIER):

S.J. Res. 84. Joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week;" to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 85. Joint resolution to designate September 21, 1983, as "National Historically Black Colleges Day;" to the Committee on the Judiciary.

By Mr. TOWER:

S.J. Res. 86. Joint resolution to designate the week of June 12, 1983, through June 16, 1983 as "National Brick Week;" to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself, Mr. PROXMIER, and Mr. D'AMATO):

S. Res. 113. Resolution expressing the sense of the Senate that the Secretary of Agriculture should delay implementation of the legislation authorizing deductions from proceeds from the sale of milk under the dairy price support program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRESSLER:

S. Res. 114. Resolution to express the sense of the Senate that certain rural fire protection programs should receive a level of funding for fiscal year 1984 which is at least as high as the level of funding provided for such programs for fiscal year 1983; to the Committee on Agriculture, Nutrition, and Forestry.

S. Res. 115. Resolution to express the sense of the Senate on the need to facilitate U.S. exports by opposing international restrictions on the marketing and distribution of such exports; to the Committee on Foreign Relations.

By Mr. GARN (for himself and Mr. PROXMIER):

S. Con. Res. 25. Concurrent resolution expressing the sense of the Congress that the Federal Reserve System should continue to promote a reduction in interest rates; to the Committee on Banking, Housing, and Urban Affairs.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DENTON:

S. 1059. A bill to provide that it shall be unlawful to deny equal access to students in public schools and public colleges who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this act; to the Committee on the Judiciary.

##### EQUAL ACCESS ACT

Mr. DENTON. Mr. President, today I introduce a bill which will make unlawful the practice of discrimination against religious public school students. I have already introduced a similar bill, S. 425, that limits Federal funds to public schools if a policy of discrimination is in place. But the measure I introduce today provides a specific Federal court remedy. I believe that the Judiciary Committee, chaired by my colleague, Senator STROM THURMOND, should be afforded an opportunity to examine this special judicial remedy for violations of the "equal access" concept.

I ask unanimous consent that the text of this bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

##### S. 1059

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Access Act".*

SEC. 2. Any individual aggrieved by a violation of this Act may bring a civil action in the appropriate district court of the United States for damages or for such equitable relief as may be appropriate, or both.

(b) The district courts of the United States shall have jurisdiction of actions brought under this Act without regard to the amount in controversy.

(c) Each district court of the United States shall provide such equitable relief, including injunctive relief, as may be appropriate to carry out the provisions of this Act.

(d) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge), who shall then designate a district or circuit judge of the circuit to hear and determine the case.

SEC. 3. It shall be unlawful for any State or local educational agency or any public institution of higher education to implement any policy or practice which permits students or faculty, or both, or groups of students, groups of faculty, or both, to engage in voluntary extracurricular activities on school premises of a public elementary or secondary school or a public institution of higher education during noninstructional periods, but denies equal access and oppor-

tunity to, or discriminate against, students or faculty or both, or groups of students, groups of faculty members, or both, that seek to engage in voluntary extracurricular activities that involve prayer, religious discussion, or silent meditation on school or institution premises during noninstructional periods.

SEC. 4. As used in this Act—

(1) the term "State educational agency" has the same meaning given that term by section 1001(k) of the Elementary and Secondary Education Act of 1965;

(2) the term "local educational agency" has the same meaning given that term by section 1001(f) of the Elementary and Secondary Education Act of 1965;

(3) the term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965;

(4) the term "elementary school" has the same meaning given that term by section 1001(c) of the Elementary and Secondary Education Act of 1965; and

(5) the term "secondary school" has the same meaning given that term by section 1001(h) of the Elementary and Secondary Education Act of 1965.

By Mr. DOLE (by request):

S. 1061. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of bonds that are guaranteed by certain Federal agencies; to the Committee on Finance.

##### TAX TREATMENT OF CERTAIN BONDS

● Mr. DOLE. Mr. President, at the request of the administration, I am today introducing legislation to deny tax-exempt status to certain bonds that are, in effect, guaranteed by Federal agencies such as the Federal Deposit Insurance Corporation (FDIC) and the Federal Savings and Loan Insurance Corporation (FSLIC).

##### THE TRANSACTIONS INVOLVED

This legislation will curb the use of a recently developed technique to obtain indirect Federal guarantees of certain private purpose tax-exempt bonds. This technique works in the following manner: in a typical transaction, bonds are issued by an industrial development authority with the understanding that no purchaser will acquire more than \$100,000 of the bonds. The bond trustee then deposits the proceeds of the bond in a certificate of deposit of a savings and loan association or a commercial bank which, in turn, will lend the proceeds to a real estate developer. Both FDIC and FSLIC will insure the certificate of deposit up to \$100,000 per bondholder. Consequently, a bondholder's investment in the tax-exempt bonds is at least as secure as a deposit in a neighborhood bank.

##### THE POLICY CONCERNS

The Federal Government has long had a policy of not insuring tax-exempt bonds. This policy is based on the concern that insured tax-exempt bonds would be more attractive in the marketplace than Treasury's own bonds and, if Federal Insurance or

guaranty were not universally available, would provide competitive advantage for some State and local obligations over others. This would cause serious distortions in the market for tax-exempt obligations. In addition, to the extent that bonds are backed by the FDIC or FSLIC, these agencies are exposed to the risk of substantial losses.

#### WHY LEGISLATION IS NECESSARY NOW

Needless to say, the attraction of this financing technique is extraordinary and the technique has recently become increasingly popular. The Treasury Department responded on March 4 by issuing a statement announcing it would seek legislation to curb this practice, effective on April 15. It is instructive to note that, following the Treasury Department's announcement, bond issuers rushed to get their bonds issued under the wire. It has been reported that bond issues totaling \$4 billion were awaiting ratings at the major bond rating services. While not all of these bonds will be issued by April 15, this rush of activity certainly indicates the magnitude of the problem.

#### IMPORTANCE OF AN APRIL 15 EFFECTIVE DATE

The April 15 effective date is very important if the legislation is to have its intended result. If legislative changes were not effective until the date of enactment, for example, it is likely that an additional flood of federally insured bonds would be issued in the interim. The experience of the period from March 4 to date is evidence that this concern is justified. This financing technique should be contained before it gets completely out of control.

Mr. President, the Senator from Kansas hopes that the Finance Committee will act expeditiously on this legislation and that it will receive favorable consideration by the full Senate. Mr. President, I ask unanimous consent that the bill and an explanation prepared by the Treasury Department be printed in the RECORD immediately following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1061

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TAX EXEMPTION DENIED WHERE PROCEEDS INVESTED IN FEDERALLY INSURED DEPOSITS.

The Internal Revenue Code of 1954 is amended by adding after Section 103A the following new section:

#### "SECTION 103B. FEDERALLY GUARANTEED BONDS.

"(a) IN GENERAL.—Except as otherwise provided in this section, subsections (a)(1) and (a)(2) of section 103 shall not apply to any obligation issued as part of an issue if a significant portion of the principal or interest required to be paid on the issue is to be insured (directly or indirectly) by a Federal depository insurance agency as a result of the investment of the proceeds of the issue

in deposits or accounts in a Federally insured financial institution.

"(b) EXCEPTIONS.—For purposes of subsection (a), the investment of proceeds of the issue will not be taken into account to be the extent that proceeds of the issue are invested—

"(1) for a temporary period (as defined in section 103(c)(4)(A)),

"(2) in a bona fide debt service fund, or

"(3) in a reserve which meets the requirements of section 103(c)(4)(B).

"(c) FEDERALLY INSURED FINANCIAL INSTITUTION.—For purposes of this section, the term 'federally insured financial institution' means—

"(1) a bank (as defined in section 581),

"(2) a mutual savings bank, cooperative bank, domestic building and loan association, or other savings institution, or

"(3) a credit union.

the deposits or accounts of which are insured under Federal law.

"(d) FEDERAL DEPOSITORY INSURANCE AGENCY.—For purposes of this section, the term 'federal depository insurance agency' means a Federal agency that insures deposits in Federally insured financial institutions."

#### SEC. 2 EFFECTIVE DATE.

The amendment made by section 1 shall apply to obligations issued after April 15, 1983, except that such amendment shall not apply to any obligation issue after April 15, 1983, pursuant to a written commitment that was binding on March 4, 1983, and at all times thereafter.

#### [Explanation of Proposal]

#### FDIC—FSLIC GUARANTEES OF TAX-EXEMPT BONDS

##### CURRENT LAW

Under current law, if the proceeds of an issue of state or local government obligations are placed on deposit with a bank, savings and loan association or other financial institution, the obligations generally will be classified as industrial development bonds and the interest on the obligations generally will not be exempt from Federal income tax. However, such obligations may qualify for tax-exempt status if the amounts deposited with the financial institution are loaned to customers of the financial institution for projects qualifying for tax-exempt financing. See Internal Revenue Code section 103(b); Treasury Regulation § 1.103-8(a)(4).

Consequently, issuers can invest the proceeds of tax-exempt bond issues in certificates of deposit issued by Federally insured financial institutions if the financial institutions use the funds for qualifying purposes. These certificates of deposit then can be pledged as security for repayment of the tax-exempt bonds. Recently, it has been determined that these tax-exempt bond issues can be structured so that the certificates of deposit will be insured by either the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings & Loan Insurance Corporation (FSLIC) in an amount up to \$100,000 per holder of the tax-exempt bonds. The FDIC or FSLIC insurance of the pledged certificates of deposit effectively provides a Federal guarantee of these tax-exempt bond issues.

##### REASONS FOR CHANGE

Placing the credit of the United States behind an obligation that is exempt from Federal taxation creates a security which is superior in the market to the direct obligations issued by the Federal government. A Federally guaranteed tax-exempt obligation

also has a distinct competitive advantage over all other tax-exempt obligations issued by State and local governments. As a result, Federal guarantees of tax-exempt obligations increase the borrowing costs of Federal, States and local governments.

Because of these and other considerations, there is an established Federal policy against Federal guarantees of tax-exempt obligations. The Public Debt Act of 1941 prohibits the Federal government from issuing tax-exempt obligations directly; and numerous other statutes preclude Federal guarantees of tax-exempts in other contexts. The use of FDIC or FSLIC insurance to guarantee tax-exempt bond issues violates this established Federal policy.

#### PROPOSAL

A new provision will be added to the Internal Revenue Code to deny tax-exempt status to bonds that are backed by Federal deposit insurance. Under this provision, interest on bonds that otherwise would qualify for tax-exempt status will be subject to tax if the issuer's obligation to repay a significant portion of the principal or interest on the bonds is to be insured by FDIC, FSLIC or another Federal depository insurance agency as a result of the investment of the proceeds of the bond issue in Federally insured deposits. The determination whether a deposit is Federally insured will be based upon the laws governing the applicable Federal agency responsible for insuring the deposits made in a particular type of financial institution. The provision would apply to types of all bonds that may be exempt from taxation under section 103 of the Code.

For purposes of the new provision, the investment of proceeds of a bond issue will not be taken into account to the extent that such proceeds are invested: (1) for a temporary period (as defined in Code section 103(c)(4)(A)); (2) as part of a bona fide debt service fund; or (3) in a reasonably required reserve or replacement fund (as defined in Code section 103(c)(4)(B)). A bona fide debt service fund is an investment fund used primarily to achieve a proper matching of revenues and debt service within a bond year.

#### EFFECTIVE DATE

The proposal generally would apply to all bonds issued after April 15, 1983. However, the proposal would not apply to bonds issued after April 15, 1983, pursuant to a written commitment that was binding on March 4, 1983, and at all times thereafter. A written commitment is binding only if the commitment obligates the issuer to issue the bonds and obligates the underwriter or other bond purchaser to buy the bonds, subject to the conditions customarily contained in bond purchase agreements. The passage of an inducement resolution by an issuer or the issuance of a commitment by a financial institution to issue certificates of deposit will not prevent the application of the proposal to bonds issued after April 15, 1983.●

#### By Mr. PERCY:

S. 1062. A bill to amend section 474 of the Internal Revenue Code of 1954 to provide that small businesses with average annual gross receipts not in excess of \$10,000,000 may elect to use one inventory pool; to the Committee on Finance.



## SMALL BUSINESS TAX TREATMENT OF INVENTORY POOLS

● Mr. PERCY. Mr. President, the Economic Recovery Tax Act of 1981 provided for a simplified version of LIFO—last-in, first-out—inventory rules for businesses with less than \$2 million in annual gross sales. The purpose of the simplified rules was to extend to small businesses the tax savings available for many years to larger businesses which were able to use the complex LIFO rules because of their size and sophisticated accounting systems.

This legislation will be very helpful to the eligible small businesses. Most small businesses now using the simple LIFO rules were using the first-in, first-out, or FIFO method of accounting prior to the passage of the act. The FIFO method is unfairly burdensome to businesses because inflation causes them to understate the cost of goods sold and therefore overstate their taxable income. It also overstates their tax liability.

In 1979, for example, inadequate inventory accounting added \$42.6 billion to taxable profits. Small companies were unable to use the fairer LIFO method because its complexity usually required costly assistance from outside accounting firms. The Economic Recovery Tax Act relieved the very small businesses from their excessive taxes by allowing them to use a single LIFO "pool" to calculate the value of their inventory instead of the variety of pools that are required for larger businesses. The single pool LIFO method is simple and less costly to implement and is thus available to most small businesses.

However, it has been brought to my attention by the Illinois Manufacturer's Association that the eligibility requirement of less than \$2 million in sales is too small. Many companies whose sales exceed \$2 million also use simple accounting systems that preclude the use of LIFO. Since the intent of the Recovery Act was to make LIFO available to all small businesses, adjustments are necessary in the Tax Code.

The legislation I am reintroducing today—and which I first introduced as S. 2707 last summer—will raise the annual sales limit for using the simplified LIFO rules from \$2 million to \$10 million. The higher limit will insure that all businesses will have access to LIFO inventory accounting methods. This legislation is particularly beneficial to the thousands of retailers, wholesalers, and manufacturers who are inventory intensive as opposed to capital intensive in nature.

I would like to commend the Illinois Manufacturers Association for its efforts to revise the current law and for bringing this needed law change to my attention. They have provided a great service to not only their small business

constituency but to small businesses throughout the country. A number of other organizations also support passage of this legislation, including the National Federation of Independent Business and the National Association of Chain Drug Stores.

Mr. President, I ask unanimous consent that a letter from the National Association of Chain Drug Stores supporting this legislation be included in the RECORD at this point.

Mr. President, small businesses face a large number of problems which are not encountered by their larger competitors. Despite this fact, small companies create most of the new jobs in America today. I urge all my colleagues who are concerned with this overburdened but highly productive sector of the economy to support this bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NACDS,

Alexandria, Va., September 13, 1982.

Hon. CHARLES H. PERCY,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR PERCY: The National Association of Chain Drug Stores, Inc. (NACDS) wishes to express our support for legislation, S. 2707, which you have introduced. As a member of the Inventory Reform Task Force, NACDS has long championed the inherent fairness of simplified LIFO (Last-In, First-Out) accounting for small business. The Economic Recovery Tax Act of 1981 provided the first step by containing provisions to allow for a simplified version of LIFO accounting for businesses with less than \$2 million in annual gross sales. Your legislation would extend this fairness to additional segments of the small business community.

As to our particular industry, we support the proposed increase in the annual sales limit. NACDS small chain members operating between 4 and 10 stores have been most hurt by the nation's continuous high rate of inflation. Small chains are the cornerstone of our industry and constitute nearly one-third of the NACDS membership. Increasing the annual sales limit to \$10 million for using the simplified LIFO rules would more truly represent today's small businessman.

Many companies are presently adversely impacted by their inability to use a single LIFO pool to calculate inventory value. An increase in the level of annual gross sales to \$10 million would be fair and equitable, and maintain the strong foundation of small business. It is well-recognized that small business is a source of future employment opportunity, growth, investment, and innovation. The benefit of increasing the sales level far outweighs any potential decrease in Treasury revenues.

In closing, NACDS is very interested in the future of this legislation. To this end, we would appreciate the opportunity to work with your staff to secure passage of S. 2707.

Sincerely,

ROBERT J. BOLGER,  
President.●

By Mr. DECONCINI:

S. 1063. A bill to exclude from gross income any discharge of a mortgage

debt on a principal residence occurring in 1982, and for other purposes; to the Committee on Finance.

## MORTGAGE FORGIVENESS TAX ACT OF 1983

Mr. DECONCINI. Mr. President, at midnight tonight every eligible American will be expected to have filed his or her income taxes for 1982. This is not a pleasant day for many of us, but it is nonetheless a day which symbolizes the voluntary partnership between citizen and government. No one enjoys paying taxes, yet each of us recognizes that there are vital functions and services rendered by the Government.

Most Americans comply with our tax laws both honestly and promptly. In return, they expect the laws to be fair and fairly applied. Yet, there are times when, for reasons beyond anyone's control, some taxpayers are treated unfairly. It is to rectify such a situation that I rise today and introduce the Mortgage Forgiveness Tax Act of 1983.

As we all know, Mr. President, financial institutions are coming off a dangerous period, a period during which a record number of these institutions failed. The basic reason for this was simple. A large proportion of their investments were in long-term mortgages at relatively low interest. With the doubling and even trebling of short-term interest rates, these institutions were forced to pay out to investors more than they collected.

As the policies of the Federal Reserve have moved toward easing credit with the concomitant lowering of interest rates, these institutions have tried to eliminate as many of these long-term, low-interest mortgages as possible. One device they used worked to the benefit of all concerned while promoting the socially valuable goal of full homeownership.

Financial institutions offered substantial discounts to customers if they would buy out the mortgage. In some instances, mortgages were offered discounts of between 20 and 30 percent. Many families used their savings to scrape together the necessary capital to take advantage of this once-in-a-lifetime opportunity to own their own home free and clear.

There was a general expectation within the financial community that the amount forgiven would be treated by the Internal Revenue Service as a reduction in basis for the purpose of calculating capital gains. Instead, the IRS came out with Revenue Ruling 82-203 in November of 1982, and ruled that the amount of the mortgage that was forgiven should be treated as ordinary income. In other words, a family which put up its entire savings to buy out its mortgage at a discount, now finds itself with the amount of that discount added to its income, raising

its marginal rate as well as the total amount on which taxes are owed.

Mr. President, I believe that Revenue Ruling 82-203 is, quite simply, unfair. I believe it is unfair generally, but it is especially unfair to make such a ruling in November after thousands of taxpayers had entered into good faith agreements with financial institutions on the expectation that the discount would be treated like a business loan.

My legislation seeks to remedy this situation in two ways. First, it reverses Revenue Ruling 82-203 as it applies to 1982, thereby protecting the thousands of individuals who are now caught in what amounts to retroactive legislation. Second, it places a moratorium on the implementation of Revenue Ruling 82-203 for 1983 and 1984 to give Congress an opportunity to consider and act on the question of how such forgiveness should be treated, and whether it is better public policy to treat it as ordinary income or as a change in the basis for capital gains purposes. If, by the end of the 98th Congress, we fail to act, then Revenue Ruling 82-203 will go into effect.

Mr. President, I believe my legislation remedies an unfortunate and unfair situation. On this final day of filing, we should be especially concerned that our rules are as fair as possible. Clearly, Revenue Ruling 82-203 is not fair and should not apply to 1982 taxes. I further believe that once the Congress takes a close look at the matter, it will conclude that the IRS ruling is bad public policy.

I urge my colleagues on the Senate Finance Committee to give serious consideration to this problem, and I ask unanimous consent that the text of the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1063

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. EXCLUSION FROM GROSS INCOME OF CERTAIN MORTGAGE DISCHARGES MADE IN 1982.

## (a) EXCLUSION FROM GROSS INCOME.—

(1) IN GENERAL.—For purposes of applying the Internal Revenue Code of 1954, gross income of an individual shall not include income from any discharge of qualified mortgage indebtedness which occurred in calendar year 1982.

(2) LIMITATION.—The amount excludible from gross income under paragraph (1) shall not exceed the adjusted basis of the taxpayer (as of the close of the taxable year in which the discharge of indebtedness occurred) in the principal residence with respect to which the qualified mortgage indebtedness was incurred.

(b) REDUCTION OF BASIS IN PRINCIPAL RESIDENCE.—For purposes of applying the Internal Revenue Code of 1954, the basis of the taxpayer in his principal residence shall be reduced (but not below zero) by the amount of any discharge of qualified mortgage in-

debtedness incurred with respect to such residence which is excluded from gross income by reason of subsection (a).

(c) GAIN TREATED AS ORDINARY INCOME.—Notwithstanding any provision of the Internal Revenue Code of 1954, any gain recognized from the disposition of the principal residence of the taxpayer shall be treated, for purposes of such Code, as ordinary income to the extent such gain does not exceed the amount of the reduction made to the basis of the taxpayer in such residence (or to the basis of the taxpayer in any other residence that is taken into account in determining the basis of the taxpayer in such residence) by reason of subsection (b).

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED MORTGAGE INDEBTEDNESS.—The term "qualified mortgage indebtedness" means indebtedness incurred by an individual in—

(A) acquiring the principal residence of such individual (within the meaning of section 1034), or

(B) making improvements to such principal residence (but only if the costs of such improvements are taken into account in determining the basis of the taxpayer in such principal residence).

(2) PRINCIPAL RESIDENCE.—The term "principal residence" has the meaning given to such term by section 1034.

# SEC. 2. TEMPORARY SUSPENSION OF REVENUE RULING 82-202.

The Internal Revenue Code of 1954 shall be applied with respect to any discharge of qualified mortgage indebtedness (within the meaning of section 1 (d) (1)) which occurs in calendar year 1983 or 1984 without regard to—

(1) Revenue Ruling 82-202, or

(2) any other revenue ruling, regulation, or decision reaching the same result as, or a result similar to, the result set forth in Revenue Ruling 82-202.

# SEC. 3. LEGISLATION CONCERNING DISCHARGE OF QUALIFIED MORTGAGE INDEBTEDNESS.

It is the sense of the Congress that legislation be enacted during the Ninety-eighth Congress which—

(1) addresses the Federal income tax consequences presented by any discharge of qualified mortgage indebtedness (within the meaning of section 1(d)(1)) that results from prepayment of such indebtedness, and

(2) applies with respect to any discharge of qualified mortgage indebtedness that occurs after December 31, 1982.

## By Mr. METZENBAUM:

S. 1064. A bill to amend the Urban Mass Transportation Act of 1964 to prohibit assistance to recipients which compensate officials at rates higher than rates paid to local officials; to the Committee on Banking, Housing, and Urban Affairs.

## PUBLIC TRANSIT SUBSIDY

Mr. METZENBAUM. Mr. President, I am today introducing legislation to correct an inequity in our public transit subsidy program. This bill will insure that American taxpayers are no longer forced to foot the bill for excessive salaries paid to executives of our Nation's transit systems.

In many of our largest cities, transit executives are the highest paid of all public officials. Their salaries exceed those of the mayors and city managers

of the communities they serve. More often than not, their salaries exceed those of the Governors of the States in which they operate.

I have a table which compares these salaries. I ask unanimous consent that it appear in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SALARIES: COMPARISON OF PUBLIC OFFICIALS AND PUBLIC TRANSIT AUTHORITY GENERAL MANAGERS

City	Governor <sup>1</sup>	Mayor <sup>2</sup>	Appointed administrative office <sup>3</sup>	Transit authority general managers <sup>4</sup>
Boston, Mass.	40,000	65,000		60,000
Cleveland, Ohio	50,000	52,500		65,000
Chicago, Ill.	58,000	60,000	81,000	70,000
Denver, Colo.	50,000	50,000	52,915	65,000
Detroit, Mich.	70,000	75,172		* 62,000
Washington, D.C.		67,410	58,500	73,402
Houston, Tex.	78,700	81,255		102,500
Kansas City, Mo.	55,000	35,000	70,980	55,000
Los Angeles, Calif.	49,100	73,205	86,861	82,000
New York, N.Y.	85,000	80,000		* 100,000
Philadelphia, Pa.	66,000	55,000	50,000	* 75,010
San Francisco, Calif.	49,100	76,917	75,742	* 69,000
Seattle, Wash.	63,000	75,237		36,000

<sup>1</sup> Provided by National Governors Association.

<sup>2</sup> Provided by International City Management Association.

<sup>3</sup> Provided by American Public Transit Association.

<sup>4</sup> SEMTA.

<sup>5</sup> MTA.

<sup>6</sup> SEPTA.

<sup>7</sup> BART.

Mr. METZENBAUM. Mr. President, I do not question the ability or dedication to duty of these executives. But it is hard to understand why they should be the top-paid public employee in the community. And one is further forced to question these high salaries in view of the fact that transit operating subsidies have been reduced to a maximum of 80 percent of what we provided transit authorities last year. Would salaries be that high if the money came directly from local taxpayers or if transit executives were elected officials?

My bill is straightforward. It prohibits the Urban Mass Transportation Administration from awarding grants to any transit authority operating in an urbanized area of over 200,000 population if the board members and executives, or employees, receive compensation exceeding the compensation of the highest paid elected official, and/or appointed public official of the community in which the transit authority operates. The restriction applies to the highest paid local public official, whether it is the mayor, city manager, law director, or whatever. Smaller and rural transit systems are exempt from the bill because their salaries have not appeared to be unreasonable, and they are further not comparable because local public jobs are oftentimes part time or honorary in nature.

Mr. President, the Federal Government first subsidized public transit in order to revitalize a failing, badly dete-



riorated, but urgently needed public resource.

Unfortunately, transit has become a very expensive obligation. In 1970, fare box revenues paid for 90 cents of every dollar of operating cost. Five years later, fare box revenues accounted for only 57 cents of every needed dollar.

Two years ago, when the Reagan administration cut operating subsidies, budget crises followed in transit authorities all across the country. Several authorities, including one in my State, and the one in Mobile, Ala., were forced to shut down because they ran out of operating subsidies. Is there not an inconsistency in paying transit authority executives the highest of salaries, when dollar economies are so needed?

I believe that transit authority executives should be fairly paid. But I do not believe their positions justify salaries higher than other public officials.

I hope, Mr. President, that we will be able to act quickly on a measure designed to assure the public that Federal transit dollars are not being expended in a less than businesslike manner.

By Mr. EXON:

S. 1065. A bill to authorize continued Federal and State cooperative efforts to study the depleting water resources of the States of the high plains, and for other purposes; to the Committee on Environment and Public Works.

#### HIGH PLAINS STUDY COUNCIL ACT OF 1983

Mr. EXON. Mr. President, I am pleased to introduce today the High Plains Study Council Act of 1983 and ask it be properly referred. This measure, supported by the members of six State representatives of the high plains States, would continue the work of the current study council which has been examining the long-term problems of water supplies for the States which rely heavily upon the Ogallala aquifer to support agricultural activities which are vital to the economies of this region.

Without this measure, the work of the study council's cooperative efforts with both State and Federal officials cannot continue. Although the council submitted its report as mandated by the Water Resources Development Act of 1976, the efforts of the council have only just begun. Based upon a cooperative Federal and State project, the "Ogallala Aquifer Regional Study" began an initial inquiry into the depletion of the water resources in the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas.

Mr. President, serious economic, environmental, and social consequences are looming ahead in the next century as a consequence of declining supplies of natural resources, especially water, in the high plains area. The study has indicated that, as with our energy problems, conservation programs may

be the single most important public policy and private sector initiative for the immediate future. Conservation alone, however, will not reverse the ominous trend toward declining water supplies as both international and domestic demands place even greater burdens on our water resources in the years ahead.

Water is our Nation's next great resource battle. The continuation of the efforts of the High Plains Study Council is a critical tool in our efforts to meet the challenges which lie ahead as we draw nearer to a face-to-face confrontation with water shortages. The Council's December 13, 1982, report has noted that further study is required to examine various possible multistate cooperative efforts which might be feasible in meeting regional water problems in the future for agricultural, municipal, and industrial needs in the high plains region.

Mr. President, this legislation would simply authorize the Secretary of Commerce, acting through the Economic Development Administration and in cooperation with the Army Corps of Engineers and other appropriate Federal, State, and local agencies and the private sector, to continue and complete the work which the High Plains Study Council has only just begun. This measure would require each participating State to match Federal contributions on a 50-50 basis using either cash or in-kind services to meet such costs. Finally, the bill would require annual reports to the Congress on the actions and recommendations of the High Plains Study Council to assist the Congress in developing an effective Federal water policy for the high plains region.

I would urge the Senate's consideration of this measure and ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

#### S. 1065

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High Plains Study Council Act of 1983".*

SEC. 2. (a) The Congress recognizes the long-term water supply problems of the States of the high plains and recognizes the need for continued federal and state cooperation and communication regarding such problems.

(b) The Secretary of Commerce acting in cooperation with the High Plains Study Council, has been conducting studies pursuant to section 193 of the Water Resources Development Act of 1976 regarding the depletion of water resources, is authorized to continue to cooperate with the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas in the implementation of the recommendations made by the High Plains Study Council.

(c) No cooperative effort authorized by subsection (b) may be conducted until the

appropriate officials of the participating states enter into an agreement with the Secretary of Commerce that such states agree to bear 50 per centum of the costs of such an effort. The state share of such costs may be provided in the form of cash or in-kind services.

(d) Not later than one year after the date of enactment of this Act, and at intervals of one year thereafter, the Secretary of Commerce shall prepare and transmit to the Congress a report on activities undertaken under subsection (b), recommendations of the High Plains Study Council, and any recommendations of the Secretary of Commerce for further congressional action.

(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. CHAFEE (for himself, Mr. BENTSEN, and Mr. BAUCUS):

S. 1066. A bill to amend the Internal Revenue Code of 1954 to allow an employer to provide participants in a defined benefit plan with supplemental retirement benefits through a defined contribution plan of the employer; to the Committee on Finance.

#### SUPPLEMENTAL RETIREMENT BENEFIT ACT OF 1983

Mr. CHAFEE. Mr. President, today I am pleased to be joined by Senator BENTSEN and Senator BAUCUS in sponsoring legislation that will create a mechanism for private pension plans to grant annual cost-of-living increases. Our bill accomplishes this by allowing employees and their employers to jointly purchase an insured annuity at the time of retirement in order to fund what we call the "supplement retirement benefit" (SRB).

Retirees and those approaching retirement today face much uncertainty about the future buying power of their private sector pensions. Unlike social security and many Government employee pension plans, virtually no private sector pensions are regularly indexed to compensate for cost-of-living increases. Consequently, inflation, such as we have experienced during the past decade, rapidly erodes the economic security of millions of elderly Americans. By making this supplemental retirement benefit available, we not only can offer inflation protection to retiring workers, but we will encourage them to increase savings to purchase the added benefit.

The SRB program would be voluntary on the part of employees and could be funded by any combination of savings from the worker and contribution from the company. Already, several large employers have shown interest in offering an SRB program. Of course, it would have to be offered on a nondiscriminatory basis to high and low paid employees alike. The amount of the SRB could not exceed the greater of 3 percent of a retiree's initial pension payment or a percentage of the pension equal to a 7-year average of the Consumer Price Index. The

supplemental benefit will be increased and compounded each year under the terms of the annuity.

Legislation is needed to implement this program because current law will not allow making a 1-year contribution toward retirement benefits that would be large enough to fund the SRB. Furthermore, our bill assures that the employer's contribution will not be taxable to the employee until it is received as income in the form of supplemental retirement benefits.

In the interest of enhancing retirement income security for our working men and women, we urge all our colleagues to consider cosponsoring and supporting this legislation.

Mr. President, I ask unanimous consent that the text of the Supplemental Retirement Benefit Act of 1983 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

#### S. 1066

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That*

SECTION 1. SHORT TITLE.—This Act may be cited as the "Supplemental Retirement Benefit Act of 1983".

SEC. 2. (a) Section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after subsection (1) the following new subsection:

"(m) QUALIFIED SUPPLEMENTAL BENEFIT ARRANGEMENTS.—

"(1) GENERAL RULE.—A defined contribution plan shall not fail to satisfy the requirements of this section merely because the plan includes a qualified supplemental benefit arrangement which supplements a primary retirement benefit.

"(2) PRIMARY RETIREMENT BENEFIT.—For purposes of this subsection, a primary retirement benefit means a retirement benefit which is payable under one or more defined benefit plans maintained by the same employer.

"(3) QUALIFIED SUPPLEMENTAL BENEFIT ARRANGEMENT.—For purposes of this subsection, the term 'qualified supplemental benefit arrangement' means an arrangement which is part of a defined contribution plan of an employer which supplements the primary retirement benefits and which meets the following requirements:

"(A) IN GENERAL.—The arrangement provides that—

"(i) an eligible participant in a defined benefit plan of the employer may elect, in the earlier of the year in which—

"(I) the participant attains normal retirement age and retires, or

"(II) the primary retirement benefit of the participant begins,

to purchase an annuity which commences not earlier than the year after the year in which the election is made,

"(ii) such annuity is provided through the purchase, on or before the date on which payments under the annuity begin, of an individual or group annuity contract (including a guaranteed investment contract or similar arrangement) from an insurance carrier licensed under the laws of any State to issue such contracts, and

"(iii) the employer and the participant each share a stated portion of the cost of such annuity.

"(B) ELIGIBILITY.—Each employee of the employer who—

"(i) is a participant in any defined benefit plan of the employer,

"(ii) is employed by the employer at the time the employee—

"(I) attained the earliest age at which the primary retirement benefit may be paid under the defined benefit plan, or

"(II) became disabled, and

"(iii) is entitled to a primary retirement benefit at the time described in clause (ii), must be eligible to participate in the arrangement.

"(C) AMOUNT OF SUPPLEMENTAL BENEFIT.—

Any benefit payable under the arrangement for any year is computed as a percentage of the primary retirement benefit, except that the supplemental benefit attributable to any employer contribution with respect to any participant under a qualified supplemental benefit arrangement within the meaning of section 401(m)(2) may not exceed the greater of: (i) 3 percent of the primary retirement benefit; compounded annually from the date on which the primary retirement benefit commences, or (ii) a percentage of the primary retirement benefit equal to the average cost-of-living increase (as determined using the appropriate Consumer Price Index or other comparable index, as may be selected by the Secretary) calculated over the seven calendar years which immediately precede the commencement of the primary retirement benefit, compounded annually from the date such primary retirement benefit commences.

"(D) EMPLOYER MAY MAKE CONTRIBUTION CONTINGENT UPON PROFITS.—If the employer provides an arrangement under a profit-sharing plan, the employer may make any employer contribution for any year contingent upon profits for such year, except that any participant who elected to participate in the arrangement in the year described in subparagraph (A)(i) shall—

"(i) be reimbursed for any contribution made by him, and

"(ii) be eligible to participate in the arrangement in any subsequent year (for which profits are available) before any other participant who made such election after such participant.

"(3) APPLICATION OF DISCRIMINATION STANDARDS.—A qualified supplemental benefit arrangement shall be considered to satisfy the requirements of subsection (a)(4), with respect to the amount of contributions, so long as those employees eligible to benefit under the supplemental benefit arrangement satisfy the provisions of subparagraphs (A) or (B) of section 410(b)(1).

SEC. 3. (a) Section 415(c) of the Internal Revenue Code of 1954 (relating to limitation on defined contribution plan) is amended by adding at the end thereof the following new paragraph:

"(9) CONTRIBUTIONS TO QUALIFIED SUPPLEMENTAL BENEFIT ARRANGEMENTS.—Any contribution or addition with respect to any participant under a qualified supplemental benefit arrangement (within the meaning of section 401(m)(2)) shall, for purposes of paragraph (1), not be treated as an annual addition."

(b) Section 404(a) of such Code (relating to deduction for contributions of an employer to an employees' trust, etc.) is amended by adding at the end thereof the following new paragraph:

"(11) SPECIAL RULE FOR CONTRIBUTIONS TO QUALIFIED SUPPLEMENTAL BENEFIT ARRANGEMENTS.—Notwithstanding the limitations under this section, there shall be allowed as a deduction for any taxable year an amount equal to the amount of the deductible employer contributions to a qualified supplemental benefit arrangement (within the meaning of section 401(m))."

SEC. 4. (a) Except as provided in subsection (b), the amendments made by this section shall apply to taxable years beginning after December 31, 1982.

(b) The amendments made by section 3(a) shall apply to years beginning after December 31, 1982.

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. PELL, Mr. BIDEN, Mr. HUMPHREY, and Mr. DANFORTH):

S. 1069. A bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases; to the Committee on Energy and Natural Resources:

#### CONSTRUCTION WORK IN PROGRESS POLICY ACT OF 1983

Mr. CHAFEE. Mr. President, today I am introducing legislation which will protect electric utility ratepayers from unjustified rate increases by limiting the authority of the Federal Energy Regulatory Commission (FERC) to permit utilities to pass on the costs of construction work in progress (CWIP).

CWIP as currently interpreted permits electric utilities to charge their ratepayers for the financing costs incurred in building new generating or transmission facilities as these facilities are being built. From an equity standpoint, CWIP violates the traditional "used and useful" principle of utility ratemaking. This principle, recognized by the Supreme Court in 1898, holds that utility customers should not pay for the costs of a plant until it provides them service. That is to say the shareholder—not the ratepayer—should bear the financial burden of new construction.

Until recently, FERC deviated from this principle only slightly. The Commission allowed CWIP for pollution control facilities, plant conversions to fuels other than oil and gas, and if a utility was in severe financial difficulty.

On March 10 of this year, however, FERC issued a rule that radically departs from the "used and useful" principle. Instead of only permitted financially strapped utilities to qualify for CWIP, the Commission will permit any utility—regardless of its financial condition—to include up to 50 percent of its CWIP costs in its wholesale rate base. As a result electric rates around the country will increase between 3 and 5 percent.

Since Rhode Island buys about 80 percent of its electricity at wholesale from out of State, our ratepayers will have to pay substantially higher prices



as a result of FERC's action. Rhode Island citizens already pay the highest electric costs in the country and it has been estimated that customers served by one local utility will almost immediately have their rates raised by 4 percent under the CWIP rule.

Additionally, this new rule will have a direct affect on the outcome of a rate case in my State now pending before FERC involving the Montaup Electric Co. Last year Montaup filed an application with FERC under the old CWIP policy asking for \$18.9 million in relief on financial distress grounds for its investments in the Seabrook I and II and Millstone III nuclear powerplants. Unbelievably, FERC has allowed CWIP while the case is being litigated at a cost of about \$3 million to Rhode Island ratepayers. With the new rule now allowing a greater portion of CWIP costs to be collected—with no financial distress test—our ratepayers will be providing more cash to this company for what may turn out to be imprudent investments.

FERC's rule could very well lead to unneeded new construction of powerplants. Since utilities can get ratepayers to pick up the tab for at least half the cost of new facilities they need not go to financial markets seeking funds to build new projects.

We all know the ability to finance large corporate construction projects rest on the merits of the given project, but the new FERC rule eradicates this built in system of financial checks and guarantees funding—at the ratepayers expense—for projects whether they turn out to be prudent investments or not. Under this unequitable situation the consumer takes the investment risk but has no role in the investment decisions and may never derive any benefit from them.

Ironically this rule gives utilities a "green light" to build new plants at a time when the Nation has a large surplus of electrical generating capacity. For example the North American Electric Reliability Council estimates that there is about a 42 percent excess generating capacity in my area of New England. Peak demand for electricity during the hot summer months is estimated for 1983 at 14,800 megawatts but our utility systems are capable of generating 21,379 megawatts. The situation is forecast to remain about the same through 1991. If these numbers are correct, and I have every reason to believe they are, there is not a burning need to build new plants to add to our excess capacity. But under this new CWIP policy some utilities will be tempted to build because the rule creates the built-in financing mechanism I described earlier.

CWIP is no stranger to many State public service commissions. Four States, Pennsylvania, New Hampshire, Missouri, and Connecticut prohibit

CWIP by law. My own State of Rhode Island and 13 other States prohibit CWIP under administrative regulation and 14 States have very restrictive policies regarding the allowance of CWIP in retail rates.

Mr. President, my legislation would insure that consumers are not asked to pay for electrical generating facilities they may never need. Basically it does not alter the underlying CWIP policy that FERC had in effect before March 10. The bill would permit CWIP to be collected for pollution control facilities and fuel conversions. If a utility is in severe financial distress it may receive CWIP relief.

Unlike the old rule, however, this bill offers an objective standard of determining whether a utility is in financial distress. Specifically, a utility will have to show that it has insufficient earnings to issue debt to initiate or construct a plant. A utility will also have to demonstrate that it has pursued other means of meeting its cash needs, including encouraging use of least-cost energy alternatives and seeking innovative financing methods for its projects. If a utility's severe financial condition is attributable to mismanagement then the utility must also demonstrate that such mismanagement has been corrected. If the FERC decides that these steps outlined above will not enable the utility to regain financial stability, then the Commission could order an appropriate amount of CWIP relief.

Instead of allowing blanket approval of CWIP as exists under the rule of March 10, my legislation will insure that FERC exercise its regulatory authority properly by making a case-by-case determination of each utility's application for CWIP.

I am hopeful that this bill will enjoy broad support and I urge my colleagues to join me in moving this legislation forward, and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1069

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. This Act may be cited as the "Construction Work in Progress Policy Act of 1983".

#### FINDINGS

Sec. 2. The Congress finds that—

(1) it is in the public interest that the electric utility industry be in good financial health;

(2) it is also in the public interest that electric energy-related energy services be delivered at the least possible cost and with adequate reliability;

(3) while there is evidence that the inclusion of the costs of construction work in progress in Federal Energy Regulatory Commission jurisdictional electric rate bases can improve the financial health of electric utilities in the short run, there is also evi-

dence that inclusion of such costs in such rate bases can worsen electric utility financial health over the long run;

(4) while inclusion of the costs of construction work in progress in electric rate bases may lower the rates for electric energy over the long run, such inclusion will raise rates for electric energy in the short run;

(5) construction work in progress transfers the risk that a facility under construction will be cancelled (because of reasons unrelated to the financial health of the utility) from shareholder to ratepayer; and

(6) since there may be instances in which it is appropriate to include the costs of construction work in progress in the rate bases of public utilities regulated by the Federal Energy Regulatory Commission, the Commission should have limited discretion to approve such inclusion pursuant to policies and procedures established by law.

#### PURPOSE

SEC. 3. It is the purpose of this Act to establish policies and procedures governing the inclusion of costs of construction work in progress in the rate bases of electric utilities regulated under the Federal Power Act.

#### AMENDMENT OF FEDERAL POWER ACT

SEC. 4. The Federal Power Act is amended by adding the following new section at the end of title II:

#### "COSTS OF CONSTRUCTION WORK IN PROGRESS"

SEC. 213. (a) Upon application of a public utility, the Commission may—

"(1) consistent with the provisions of section 205 and 206 of this Act, approve the inclusion of the following costs of construction work in progress in the rate base of such utility—

"(i) the costs of any pollution control facility; and

"(ii) the costs of conversion of oil or natural gas fired facilities to the use of fuels other than oil and natural gas; and

"(2) subject to the provisions of subsections (b)-(d) of this section approve by final order the costs of construction work in progress for facilities other than those referred to in paragraph (1) of this subsection.

"(b)(1) Upon application by a public utility for approval of any increase in the rates charged for electric energy where such increase is based on the inclusion in such utility's rate base of the costs of construction work in progress incurred for facilities other than those referred to in paragraph (1) of subsection (a), the Commission shall commence an evidentiary hearing. In any such hearing, the burden of proof to show that any increased rate for which application is made under this subsection is consistent with the requirements of this subsection and subsection (d) shall be upon the applicant public utility. The Commission shall give to the hearing and decision of such questions the same preference as is given to questions arising in proceedings brought under subsections (a) through (e) of section 205, and the Commission shall decide such questions as speedily as possible.

"(2) Any application submitted to the Commission under this subsection for the inclusion in the rate base of any costs of construction work in progress for any facility shall contain—

"(A) a certification, with explanation, that the public utility submitting the application will be in severe financial difficulty unless such costs are included in the rate base;

"(B) a statement explaining in detail the benefits and costs to customers of including

such costs in the rate base, together with an analysis of the likely short-run and long-run rate effects associated with such inclusion;

"(C) a statement explaining the need for such facility, including a detailed assessment of the potential of alternative means of meeting demand for electric energy-related energy services at less system cost, including

"(i) customer consumption efficiency improvements and use of renewable resources,

"(ii) load management techniques,

"(iii) cogeneration,

"(iv) electricity generation using biomass, waste, renewable resources or geothermal resources,

"(v) changes in rate design,

"(vi) production efficiency improvements (including improved powerplant productivity and inter-utility coordination), and

"(vii) any other alternatives established by the Commission by rule;

"(D) a statement explaining why inclusion of the costs of construction work in progress in rate base, as opposed to other means of alleviating or preventing the severe financial difficulty (including innovative financing and other regulatory actions which the Commission could take consistent with existing law and regulations) is necessary to alleviate or prevent the severe financial difficulty; and

"(E) such other information reasonably related to the Commission's duties under subsections (c) through (d) as the Commission shall by rule require.

"(3) If, after evidentiary hearing, the Commission finds that—

"(A) unless all or a portion of the costs of construction work in progress for any facility is included in the rate base of applicant public utility, the utility will be in severe financial difficulty;

"(B) inclusion of the costs of construction work in progress, or any portion thereof, is necessary to alleviate or prevent such severe financial difficulty;

"(C) the applicant has initiated programs to acquire the resources identified in the statement prepared in accordance with paragraph (2)(c) of this subsection;

"(D) the facility the costs of which are proposed to be included in the rate base is reasonably necessary to meet the demand of its customers for electric energy-related energy services at least system cost;

"(E) if the record of the evidentiary hearing includes a serious allegation that the severe financial difficulty of the applicant public utility is at least partially attributable to mismanagement, that such mismanagement will not likely hinder the alleviation or prevention of the severe financial difficulty in the future;

"(F) in the case of customers of the public utility who are purchasing electric energy for resale, the long-term benefits of the inclusion of such costs in the rate base are sufficiently important to necessitate short-run rate increases, if any, caused by such inclusion;

"(G) innovative financing is insufficient to alleviate or prevent severe financial difficulty; and

"(H) the applicant public utility will discontinue the capitalization of allowance for funds used during construction for these costs of construction work in progress which are included in the rate base,

the Commission shall approve the rate increase applied for or, if applicable, order a lesser rate increase in accordance with subsection (d) of this section. No affirmative finding shall be made by the Commission

under subparagraph (B) unless such finding is supported by clear and convincing evidence on the record.

"(d) No electric energy rate increase approved or ordered by the Commission under this section may—

"(1) be charged for electric energy sold prior to the date of such approval or order;

"(2) exceed an amount necessary to alleviate or prevent the severe financial difficulty of the applicant public utility;

"(3) be so substantial as to have an anti-competitive effect, including the establishment or maintenance of unreasonable price discrimination between wholesale and retail electric energy rates;

"(4) be charged to recover any costs imprudently incurred;

"(5) be otherwise unduly discriminatory or preferential or exceed an amount that is just and reasonable.

"(e) Not later than one hundred and eighty days after the date of enactment of this section, the Commission shall promulgate a rule governing the implementation of the authorities granted in this section.

"(f) As used in this section, the term—

"(1) 'construction work in progress' means construction of a facility used to generate or transmit electric energy which construction is undertaken, or proposed to be undertaken, but which is not yet in service;

"(2) 'severe financial difficulty' means the inability of a public utility to satisfy the minimum indenture requirements governing the issuance of additional debt securities by such public utility;

"(3) 'allowance for funds used during construction' means interest charged to construction work in progress;

"(4) the term 'system cost' means an estimate of all the direct costs of a resource over its effective life, including, if applicable, the cost of distribution and transmission to the customer and, among other factors, waste disposal costs, end of cycle costs, and fuel costs (including projected increases and decreases), and such quantifiable environmental costs as are directly attributable to such resource."

By Mr. GARN (for himself and Mr. PROXMIER):

S.J. Res. 84. Joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week"; to the Committee on the Judiciary.

#### FEDERAL CREDIT UNION WEEK

● Mr. GARN. Mr. President, today I am introducing legislation which would set aside and designate the week of June 24-30, 1984 as "Federal Credit Union Week," in commemoration of the signing of the Federal Credit Union Act on June 26, 1934.

During the dismal days of the Great Depression, the Federal Credit Union Act stood out as a beacon of financial hope to Americans whose economic well-being had been challenged. The statutory purpose of the act was to promote thrift among credit union members and to provide credit for provident or productive purposes. The success and growth of Federal credit unions through the years has been due to their adherence to these guiding principles.

Recent marketplace and legislative changes have caused a blurring of some of the traditional distinctions

among different types of financial organizations, but Federal credit unions remain cooperative, not-for-profit institutions. As such, a Federal credit union is member-owned and controlled and provides a safe and convenient place to save and to obtain reasonably priced loans.

Federal credit unions have grown tremendously over the past 50 years. Today there are approximately 12,000 Federal credit unions with total assets of more than \$45 billion and more than 26 million members. Their orientation remains toward smaller, local institutions, with 87.7 percent of Federal credit unions having assets of less than \$5 million.

As limited membership institutions, Federal credit unions rely on their members having a common bond. The most prevalent bond is occupational, with approximately 88 percent of Federal credit unions having a common bond among their members of employment. Others are associated with groups of people from churches, fraternal societies, farm organizations, or well-defined communities or rural districts.

This joint resolution recognizes the contributions which Federal credit unions have made over the years to the financial welfare of their millions of members. The resolution authorizes and requests the President to issue a proclamation and call upon the people of this Nation to observe "Federal Credit Union Week" with appropriate ceremonies and activities.

I would point out to my colleagues that an identical resolution, House Joint Resolution 139, has been introduced in the House with the strong endorsement and cosponsorship of many House Members. I invite all of my colleagues to join with Senator PROXMIER, the distinguished ranking minority member of the Banking Committee, and me in making possible a fitting celebration of the 50th anniversary of the signing of the Federal Credit Union Act by cosponsoring this commemorative resolution.●

By Mr. THURMOND:

S.J. Res. 85. Joint resolution to designate September 21, 1983, as "National Historically Black Colleges Day"; to the Committee on the Judiciary.

#### NATIONAL HISTORICALLY BLACK COLLEGES DAY

Mr. THURMOND. Mr. President, it gives me great pleasure today to introduce Senate Joint Resolution 85 which authorizes and requests the President to designate September 21, 1983, as "National Historically Black Colleges Day." This resolution is a companion to House Joint Resolution 105 introduced by the distinguished Representative of the Fourth Congressional District in South Carolina, Congressman CARROLL A. CAMPBELL.



The importance of this commemorative resolution is that it recognizes the contributions to society of the 103 historically black colleges and universities. I am particularly pleased that 6 of these 103 historically black institutions of higher learning, namely Allen University, Benedict College, Claflin College, South Carolina State College, Morris College, and Voorhees College, are located in my own State of South Carolina. These colleges are vital to the higher education system in my State. They have provided opportunities for thousands of minority young people in South Carolina to go to college who would not have been able to afford a college education if these institutions of higher learning were not available.

Mr. President, hundreds of thousands of young Americans have received quality education at these 103 colleges. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. The predominantly black colleges and universities in America have offered to our citizens a variety of curriculums and programs through which they could develop their skills and talents, thereby expanding their opportunities as individuals and laying the foundation for continued social progress.

Mr. President, through passage of this commemorative resolution, Congress can reaffirm its support of our historically black colleges and appropriately recognize their place at the center of our Nation's higher education system. I invite my Senate colleagues to join as cosponsors of this resolution, and I ask unanimous consent that a copy of the resolution appear in the RECORD following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

#### S.J. RES. 85

Whereas there are one hundred and three historically black colleges and universities in the United States; and

Whereas they are providing the quality education so essential to full participation in our complex, highly technological society; and

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history; and

Whereas these institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of these historically black colleges are deserving of national recognition: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That September 21, 1983, is designated as "National Historically Black Colleges Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested

groups to observe that day by engaging in appropriate ceremonies, activities, and programs, thereby showing their support of historically black colleges and universities in the United States.

#### By Mr. TOWER:

S.J. Res. 86. Joint resolution to designate the week of June 12, 1983, through June 16, 1983, as "National Brick Week;" to the Committee on the Judiciary.

#### NATIONAL BRICK WEEK

Mr. TOWER. Mr. President, today I am pleased to introduce Senate Joint Resolution 86, designating the week of June 12, 1983 through June 16, 1983, as "National Brick Week."

As a building material, the brick has been, and continues to be, the key component to our Nation's construction industry. As the chairman of the Senate Subcommittee on Housing and Urban Affairs, I am proud to announce this tribute to the men and women who work to produce this critical element of our home building sector of the economy. Housing construction has done more in recent months than any other sector to get our people employed and our country moving again.

Brick manufacture is truly national in scope. There are 172 brick manufacturers in the United States, with a total production capacity of 1 billion bricks per year. Brick is produced in 42 States, with the 6 largest producers being Texas, North Carolina, Ohio, Alabama, South Carolina, and Pennsylvania. In my own State of Texas, we have 16 manufacturers. The largest brick company in the United States is Acme Brick Co., a part of Justin Industries which is located in Fort Worth, Tex. In fact in the Wall Street Journal on Monday, April 4, 1983, Justin Industries was quoted as saying that they manufacture enough brick annually to provide a brick to every man, woman, and child in the Peoples Republic of China.

Thus, Mr. President, I urge my colleagues to join in supporting this resolution designed to recognize the valuable contribution that the brick industry has made to provide jobs for our citizenry and a trade for American workers.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

#### S.J. RES. 86

Whereas our country and its people have always found brick to be a useful material of strength and value in the construction of buildings for shelter and other purposes;

Whereas the first settlers gained a foothold in the new world and established for themselves and their descendants a free Nation and built homes, schools, and churches using brick as the basic construction material and many of these structures stand today;

Whereas early building multiplied a thousandfold and the importance of brick has developed so that today it is useful in many

forms of construction that provide shelter and otherwise improve the lives of our people;

Whereas the production of brick and the bricklaying craft provide employment for American workers who take pride in the application of their skills to the construction process; and

Whereas more Americans should be aware of the importance of brick and the industry that produces it: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week of June 12, 1983, through June 16, 1983, is designated as "National Brick Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

#### ADDITIONAL COSPONSORS

##### S. 62

At the request of Mr. SASSER, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 62, a bill to provide for the issuance of a commemorative stamp to honor the dedication of the Vietnam Veterans Memorial.

##### S. 144

At the request of Mr. DANFORTH, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 144, a bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

##### S. 333

At the request of Mr. METZENBAUM, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 333, a bill to amend title 11 of the United States Code to make certain changes in the personal bankruptcy law, and for other purposes.

##### S. 434

At the request of Mr. GARN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 434, a bill to unify the export administration functions of the U.S. Government within the Office of Strategic Trade, to improve the efficiency and strategic effectiveness of export regulation while minimizing interference with the ability to engage in commerce, and for other purposes.

##### S. 496

At the request of Mr. COHEN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 496, a bill to amend title 10, United States Code, to authorize the Secretary concerned to transport to the place of burial the remains of a member of the uniformed services entitled to retired or retainer pay who dies in a military medical facility.

##### S. 540

At the request of Mr. GOLDWATER, the names of the Senator from Geor-

gia (Mr. MATTINGLY), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 585

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 585, a bill to amend title 18 of the United States Code to prohibit the robbery of airline tickets.

S. 691

At the request of Mr. ARMSTRONG, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 691, a bill to amend title 38, United States Code, to establish a new veterans' educational assistance program and a veterans' supplemental educational assistance program, and for other purposes.

S. 738

At the request of Mr. DANFORTH, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 738, a bill to amend the Economic Recovery Tax Act of 1981 to make the credit for increasing research activities permanent.

S. 775

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Iowa (Mr. JEPSEN), the Senator from Idaho (Mr. MCCLURE), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 775, a bill entitled the "Government Accountability Act of 1983."

S. 788

At the request of Mr. QUAYLE, the names of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Wisconsin (Mr. PROXMIER), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 788, a bill to amend the Agricultural Act of 1949 to reduce the loan rates for the 1983 through 1985 crops of sugarcane and sugar beets.

S. 1006

At the request of Mr. SPECTER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1954 to repeal the 15-percent reduction in percentage depletion for iron ore and coal.

S. 1036

At the request of Mr. DECONCINI, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1036, a bill to clarify the application of the antitrust laws to professional team sports leagues, to protect the public interest in maintaining the stability of professional team sports leagues, and for other purposes.

S. 1043

At the request of Mr. D'AMATO, the names of the Senator from Illinois (Mr. DIXON), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 1043, a bill to amend the Internal Revenue Code of 1954 to provide tax incentives for small business.

S. 1045

At the request of Mr. BOSCHWITZ, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 1045, a bill to assure the production of an adequate supply of pure and wholesome milk to meet the needs of markets in the United States, to assure a reasonable level of return to dairy farmers and stable prices for dairy products for consumers, to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products, and for other purposes.

## SENATE JOINT RESOLUTION 74

At the request of Mr. GARN, the names of the Senator from Idaho (Mr. SYMMS), the Senator from Idaho (Mr. MCCLURE), the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Utah (Mr. HATCH) were added as cosponsors of Senate Joint Resolution 74, a joint resolution to express the sense of the Congress that the United States should promote the goal of strategic stability and reduce the risk of nuclear war through a balanced program of force modernization together with negotiations to achieve substantial, verifiable, and militarily significant reductions to equal levels in the nuclear arsenals of both superpowers.

## SENATE CONCURRENT RESOLUTION 11

At the request of Mr. MITCHELL, the names of the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. INOUE), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution expressing the sense of the Congress concerning the obligations of the Government of the Soviet Union under international law with respect to human rights.

## AMENDMENT NO. 522

At the request of Mr. KASTEN, the names of the Senator from Idaho (Mr. MCCLURE), the Senator from Texas (Mr. TOWER), the Senator from Idaho (Mr. SYMMS), the Senator from Wisconsin (Mr. PROXMIER), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Florida (Mrs. HAWKINS), the Senator from Kentucky (Mr. HUDDESTON), the Senator from Iowa (Mr. JEPSEN), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Mississippi (Mr. COCHRAN), the Sena-

tor from Mississippi (Mr. STENNIS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from California (Mr. WILSON), the Senator from South Dakota (Mr. PRESSLER), the Senator from Virginia (Mr. WARNER), the Senator from Indiana (Mr. QUAYLE), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Illinois (Mr. PERCY), the Senator from Maine (Mr. MITCHELL), the Senator from West Virginia (Mr. BYRD), the Senator from South Carolina (Mr. THURMOND), the Senator from New York (Mr. MOYNIHAN), and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 522 proposed to S. 144, a bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

## SENATE CONCURRENT RESOLUTION 25—RELATING TO A REDUCTION IN INTEREST RATES

Mr. GARN (for himself and Mr. PROXMIER) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

## S. CON. RES. 25

*Resolved by the Senate (the House of Representatives concurring).* That it is the sense of the Congress that the Federal Reserve System, in conducting monetary policy for 1983, should continue to promote a reduction in interest rates consistent with sustainable economic growth and without rekindling inflation. It is further the sense of the Congress that to the extent the Congress is able to reduce the projected budget deficits, that the Federal Reserve System should permit the reductions in interest rates resulting from these actions to occur without attempting to offset these reductions through a more restrictive monetary policy.

● Mr. GARN. Mr. President, today I am submitting a concurrent resolution, along with the ranking minority member of the Banking Committee, Senator PROXMIER, to express the sense of the Congress that the Federal Reserve System should continue to promote a reduction in interest rates consistent with sustainable economic growth and without rekindling inflation. This concurrent resolution is consistent with the Banking Committee's responsibilities as contained in the rules of the Senate and as further outlined under the Humphrey-Hawkins Act.

That act established a specific procedure for congressional oversight of monetary policy. Under that act, the Federal Reserve Board is required to submit its plans for monetary policy to the Congress twice a year. These plans are to be referred to the Banking Committees in the House and Senate, and these two committees are required, by law, to report their conclusions to their respective bodies. The



Senate Committee on Banking, Housing, and Urban Affairs fulfilled its responsibilities under the Humphrey-Hawkins Act on March 22 when it filed Senate Report 98-31.

I cite these facts to underscore that there is a specific and established procedure for the oversight of monetary policy. The rules of the Senate as well as the Humphrey-Hawkins Act make it clear that the Banking Committee has exclusive jurisdiction over monetary policy. There is nothing in the Congressional Budget Act or the more recently enacted Humphrey-Hawkins Act that gives the Budget Committees any jurisdiction over monetary policy.

Despite the clear provisions of the rules of the Senate and the Humphrey-Hawkins Act, the House and Senate Budget Committees have seen fit to invade the jurisdiction of the Banking Committees by prescribing guidelines for the conduct of monetary policy.

I am not terribly enthusiastic over Congress trying to conduct monetary policy. We have done such a miserable job on the fiscal side, I do not know why some Members believe we would be better qualified than the Federal Reserve to control monetary policy. Nonetheless, if the Congress does feel compelled to express formally its views on monetary policy, it should do so through the established procedure we ourselves have set up and not as a rider to a budget resolution. If we start the precedent that the budget resolution can contain the Budget Committee's views about anything and everything, no committee's jurisdiction is safe.

Mr. President, I believe the concurrent resolution Senator PROXMIRE and I have submitted does respond to the concerns of those Members who are concerned about the effects of monetary policy on the economic recovery. Specifically, the resolution expresses the sense of the Congress that the Federal Reserve should continue to promote a reduction in interest rates consistent with sustainable economic growth and without rekindling inflation.

In addition, the concurrent resolution goes on to say that if the Congress is successful in reducing the budget deficits projected over the next several years that the Federal Reserve should allow the effect of these lower deficits to be reflected in lower interest rates without attempting to offset the reduced pressure on financial markets with tighter monetary policy.

Mr. President, I believe this concurrent resolution responds to those who are concerned that the effects of any budget deficit might be offset by the Federal Reserve. At the same time, it preserves the existing system established by Congress for overseeing monetary policy.

Mr. President, I am prepared to work with those Members of the Senate who are interested in expressing a congressional guideline for the Federal Reserve. But I intend to strongly resist and oppose any efforts to bypass the Senate Banking Committee on questions of monetary policy. It is high time we called a halt to the expansive reach of the Budget Committees. If we start loading up the budget resolutions with virtually any subject, the other standing committees might just as well fold up their tents and their members seek membership on the Budget Committee.●

#### SENATE RESOLUTION 113—RELATING TO DAIRY PRICE SUPPORT PROGRAMS

Mr. BAUCUS (for himself, Mr. PROXMIRE, and Mr. D'AMATO) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 113

*Resolved*, That it is the sense of the Senate that the Secretary of Agriculture should delay until at least July 1, 1983, implementation of the authority provided under paragraphs (2) through (7) of section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(7) (2) through (7)), as amended by section 101(2) of the Omnibus Budget Reconciliation Act of 1982, to make deductions from proceeds from the sale of milk.

● Mr. BAUCUS. Mr. President, for myself, Senator PROXMIRE, and Senator D'AMATO, I send a resolution to the desk.

This resolution urges Agriculture Secretary John Block to delay the first of two scheduled 50-cent assessments on dairy products that are marketed commercially. The first assessment is scheduled to be imposed April 16.

I have stated my views clearly on this assessment several times. On March 23, Senator LEAHY and I urged the House Subcommittee on Livestock, Dairy and Poultry to approve legislation repealing the assessments. I have urged the Senate Agriculture Committee to do the same.

All of us agree that the growing dairy surplus is draining the Treasury. We agree that changes in the dairy program to reduce that surplus would benefit both farmers and consumers.

But this proposal to impose a 50-cent assessment is the wrong way to reduce the surplus. My State of Montana is a good example of how this policy would discriminate against producers in States where there is no dairy surplus.

In Montana, dairy producers are not under Federal marketing orders, and dairymen already are increasing their production to meet the need for cash.

Several dozen dairy producers will be forced out of business entirely by the assessment. If production falls below the demand, Montana will have to begin importing milk from neighbor-

ing States. That means Montana consumers will pay more than they should.

I am pleased that members of the Senate and House Agriculture Committees understand the problem the 50-cent assessments cause.

The purpose of this resolution is to tell Secretary Block that Congress understands the seriousness of the dairy surplus problem, that Congress is revising the dairy program to curtail these costly surpluses, that a new dairy program hopefully will be passed soon.

I hope that in view of these developments, Secretary Block will postpone imposing the assessment. I believe this approach is fair to dairy producers and to consumers. I urge the Senate to approve my resolution.●

#### SENATE RESOLUTION 114—RELATING TO RURAL FIRE PROTECTION PROGRAMS

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 114

*Resolved*, That it is the sense of the Senate that rural community fire protection grants provided under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106) and rural fire prevention and control activities of the Forest Service of the Department of Agriculture should receive a level of funding for fiscal year 1984 which is at least as high as the level of funding provided for such programs for fiscal year 1983.

##### RURAL FIRE PROTECTION PROGRAMS ESSENTIAL

● Mr. PRESSLER. Mr. President, today I am introducing a sense of the Senate resolution that the rural community fire protection grant program and the rural fire prevention and control program receive funding at a level equal to or higher than that approved in fiscal year 1983. These programs are essential to effective fire protection service in rural communities across the Nation.

The rural community fire protection program was authorized by the Cooperative Forestry Assistance Act of 1978 to provide financial, technical, and other assistance to organize, train, and equip fire departments in rural areas and communities under 10,000 population. The funding level for the program has been \$3.25 million in past years, even though the administration has not requested funding. In 1983, 2,813 grants were made to rural fire departments to help prevent and suppress fires.

The rural fire prevention and control program applies Federal funds and Federal fire control and prevention research and expertise in the task of protection Federal, State, and private forests. The program is a cooperative effort between the Forest Service

and the States. The States match Federal funds for fire control efforts. The program has been very effective. In recent years, funding for the program has declined from \$22.4 million in fiscal year 1981 to \$14.4 million in fiscal years 1982 and 1983. The administration has requested only \$3 million for this program in its fiscal year 1983 budget request.

Continued funding for these two programs is vital to guaranteeing essential fire protection in rural areas. Annually, over \$11 billion of our resources are destroyed by fire, with over 12,000 people killed and tens of thousands injured by fire. Many of these losses occur in rural communities and small towns. Most of these communities depend on volunteer fire departments and do not have funds to purchase much needed fire equipment without these programs.

The goal of these programs is to save lives and protect property in rural areas. The 50,000 volunteer fire departments with over 1 million fire-fighting volunteers in this country depend heavily on the programs to purchase equipment and to provide adequate training. It is important that the programs be continued.

Mr. President, I urge my colleague to join me in support of this resolution calling for continuation of the rural fire protection programs.●

#### SENATE RESOLUTION 115—RELATING TO UNITED NATIONS CONSUMER GUIDELINES

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 115

Whereas in an increasingly interdependent world economy, government measures that restrict the economic and efficient marketing and distribution of American exports of agricultural commodities, goods, and services hurt not only United States producers but also consumers in countries around the world; and

Whereas United Nations Ambassador Jeane Kirkpatrick recently called attention to the growth of such restrictions in her speech of December 9, 1982, on "Global Paternalism: The U.N. and the New International Regulatory Order;" and

Whereas the Economic and Social Council of the United Nations is scheduled to act at its July 1983 meeting in Geneva on proposed "consumer protection" guidelines which may restrict U.S. exports and consumer choice; and

Whereas other comparable restrictions are currently under development in the United Nations Commission on Trade and Development, and elsewhere; and

Whereas it is the policy of the Reagan Administration to seek relief from unnecessary domestic regulations which restrict the effective operation of the American market economy, and there seems every reason to apply a similar policy with respect to international regulations: Now, therefore, be it

Resolved, That it is the sense of the Senate that the U.S. representatives to

United Nations-related agencies and to other international organizations should oppose the adoption of international marketing and distribution regulations or restrictions which unnecessarily impede the export of U.S. agricultural and other products.

● Mr. PRESSLER. Mr. President, today I am submitting a resolution to promote U.S. agricultural and other exports by opposing unnecessary restrictions and regulations developed and administered by international organizations.

On March 22, I reported to this body that I had expressed my concerns to Secretary of State George P. Shultz about recent developments in the United Nations that could adversely affect exports of American products, especially agricultural commodities and finished goods.

My concerns focused generally on the dramatic increase in the number and scope of U.N. attempts to regulate or otherwise influence our international trade, and my specific concern was the proposed worldwide consumer protection guidelines pending before the U.N. Economic and Social Council. As Ambassador Jeane J. Kirkpatrick stated in her article, "Global Paternalism," published in the January/February 1983 issue of *Regulation*:

Attempts to deal with these problems [health and safety] within the U.N., however, too often are caught up, in a very crude kind of anti-capitalist ideology that is more concerned with restricting and discrediting multinational/transnational corporations.

Mr. President, this is a subject that should concern all of us in Congress from a jurisdictional, as well as a substantive, point of view. I chair two subcommittees with foreign trade oversight responsibilities, and I represent a State that has significant interests in matters affecting foreign trade. Yet, neither I nor any similarly situated colleague, to my knowledge, was given direct notice of the pendency and scope of these so-called consumer protection guidelines that are expressly intended to affect the regulation of both our foreign and domestic commerce.

Unless article I of the Constitution was amended recently, Congress still has exclusive jurisdiction over the regulation of American commerce here and abroad. Yet, according to a State Department response to my original letter, only the views of trade associations, consumer groups and Federal agencies were directly solicited by the executive branch to approve in the name of the United States concepts for regulating our commerce. What is next—the signing of binding foreign trade agreements without our review?

Mr. President, because of the importance of this subject to American agriculture, trade and this body's own constitutional mandate, I ask unanimous consent that the State Department's response to my original inquiry be

printed at this point in the RECORD, followed by my reply to that response, and my most recent letter to Secretary Shultz. My original five questions appear at page 6559 of the March 22, 1983 RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

DEPARTMENT OF STATE,  
Washington, D.C., April 1, 1983.

HON. LARRY PRESSLER,  
U.S. Senate.

DEAR SENATOR PRESSLER: Secretary Shultz has asked me to respond to that portion of your letter of March 10 which deals with the draft United Nations "Guidelines for Consumer Protection."

I am pleased to enclose answers to the specific questions which you asked. If you wish additional details from the Department of State, your staff should contact William Brew, Special Assistant for Legislative, Consumer and Public Affairs; Bureau of Economic and Business Affairs; Telephone: 632-9310.

Sincerely,

ALVIN PAUL DRISCHLER,  
Acting Assistant Secretary  
for Congressional Relations.

With respect to the Draft U.N. Guidelines for Consumer Protection now pending before the Economic and Social Council, please answer the following questions separately:

Q(a): What is the present position of the United States on these Guidelines, and how was that decision arrived at?

A: The general approach of the comments on the Guidelines, which were delivered to the U.N. Secretariat on March 25, is recognition of the importance of the goal of consumer protection both domestically and internationally, but skepticism that the Guidelines are the best or only means of achieving that goal. Our comments dealt with every section of the Guidelines, opposing some concepts, approving of others, and raising questions about the remainder. Copies of the Guidelines and the March 25 comments are enclosed.

The comments were developed on an interagency basis, with each agency commenting on sections of interest to it at meetings or in writing. Each agency was provided copies of public (usually trade association) comments that had been received. The State Department served as the "secretariat" for this interagency process, drafting the comments on the basis of the views expressed.

Q(b): What evaluations were made with respect to the effect of the Guidelines, if implemented worldwide, on the export of agricultural commodities?

A: No econometric or analogous analysis of the potential impact of the Guidelines on exports of agricultural commodities was attempted. The draft Guidelines focus, in part, on food products and national food policies and, except for one significant exception, speak in fairly general terms; portions of the Guidelines were reviewed for consistency with U.S. policies in similar areas. The exception is a reference to highly processed foods; as can be seen from the enclosed comments, the negative reference to such foods (which might be interpreted as meaning value-added agricultural commodities) was not accepted. Our opposition is



based on the desirability of freedom of choice for consumers.

Q(c): What groups and members of Congress were given an opportunity to comment on the proposals for national legislation on these Guidelines and what positions did they take on the provisions that might affect or influence American export policy or practices?

A: Development and assembly of the U.S. comments on the Guidelines was coordinated by the U.S. Office of Consumer Affairs (USOCA), in cooperation with the Department of State. Mrs. Virginia H. Knauer, Special Assistant to the President, is Director of USOCA and serves as the U.S. representative to the Committee on Consumer Policy of the Organization for Economic Co-operation and Development (OECD). Coordination of our comment on the Guidelines was approached in three ways:

(1) A Federal Register notice was published on December 3, 1982 (Federal Register, Vol. 47, No. 233, page 54556; copy enclosed) explaining that comment was being sought on the Guidelines and that copies were available upon request. Copies were supplied to any party which requested them. At least 15 requests were received as a result of this notice.

(2) Copies of the Guidelines were provided to, and comments sought from, broadly-based trade associations and consumer organizations such as the U.S. Council for International Business, the National Association of Manufacturers, the National Consumers League, and Consumers Union.

(3) Federal agencies were asked for comments. Specifically interested agencies provided their comments through two meetings under the auspices of Mrs. Knauer and through written and oral comment.

All comments received from individuals and groups were considered during the preparation of the U.S. comments to the U.N. Copies of the comments received from nongovernmental sources are enclosed. In general, both governmental and private sector comments reflected concern that the Guidelines not be used to permit the development of unnecessary barriers to trade.

Q(d): What is the basis for singling out "highly refined and expensive food products" for special attention by the world's regulators? See Guideline 7(e).

A: We are unaware of the specific basis for including this reference to "highly refined and expensive food products." However, the proposed guideline is similar in tone to many of the arguments in favor of the "Infant Formula" marketing code, approved by the WHO in 1981. The argumentation implies that developing countries, or poor people, do not need to be offered expensive products, which they cannot afford, or products of less than optimal nutritional value. Our comment on this guideline is negative.

Q(e): What specifically is meant by suggesting that all governments should have policies and plans providing for "processing and distribution and should include mechanisms for appropriate activity in the case of seasonal fluctuation in food supply and prices"? See Guideline 7(a).

A: Presumably what is intended is the promotion of a government-sponsored method of storage of food supplies to be used in cases of shortage. What is meant by a plan for processing and distribution is less clear. It could mean plans for ensuring that food is available at all times, such as the milk marketing orders and support prices for commodities. It could, however, also mean governmental control over the distribution

and processing systems, a position which the U.S. should oppose.

Q(f): When are these Guidelines scheduled to be considered by ECOSOC, and is it possible for us to have that consideration postponed if it is scheduled to be within the next six months?

A: The Guidelines are to be considered at the next meeting of ECOSOC, currently scheduled for July 1983, in Geneva. The discussions will be based on a U.N. Secretariat report currently in preparation; we understand this report will consist of four parts: a history of U.N. involvement in consumer protection issues, the Guidelines (revised from the version on which comments were made), a summary of the Guidelines, and a summary of the comments made by member states. It is unlikely that the Guidelines could be removed from ECOSOC's summer agenda, but it is conceivable that ECOSOC will not take any final action but rather delay such a decision pending either further comments or the holding of an intergovernmental meeting.

COMMITTEE ON FOREIGN RELATIONS,  
Washington, D.C., April 15, 1983.

Hon. GEORGE P. SHULTZ,  
Secretary of State,  
Washington, D.C.

DEAR MR. SECRETARY: I am disappointed by recent correspondence with your Department. On March 10, 1983, I sent to you a request for answers to five questions relating to the alarming increase in attempts at the United Nations to control our international trade, especially the export of agricultural products. I have not received answers to four of these questions, and the April 1, 1983 answers to the fifth question were substantively disturbing. This letter is to request answers to my original four questions by May 16 and to ask some follow-up questions inspired by the answers that I did receive for the fifth question. My previous letter to you has been inserted in the CONGRESSIONAL RECORD, and I will also be putting your Department's response and this letter in the RECORD.

The answers that I received related to the so-called Consumer Protection Guidelines pending before the United Nations Economic and Social Council. Despite the fact that these Guidelines expressly will affect our country's domestic and foreign commerce, I am shocked to learn from your Department's letter to me that on one in Congress was consulted before the position of the United States was taken at the U.N.

Apparently, only trade associations, consumer groups and other federal agencies were directly consulted, and a notice was published in the Federal Register. Section 8 of Article I of the Constitution provides that Congress has the exclusive jurisdiction to regulate domestic and foreign commerce. The Guidelines include principles, the endorsement of which would be a statement of our nation's policy on how our commerce should be regulated. At the least, a proposal of such magnitude deserves to be brought to the direct attention of legislators who serve on Committees with oversight responsibilities for domestic and international commerce.

The Department's response to my fifth question raised the following related questions for which I would appreciate receiving answers by May 16, as well:

(1) What comments were made by government sources?

The Department's reply encloses copies of the comments of nongovernmental organi-

zations that were considered in formulating the position of the United States on the proposed Consumer Protection Guidelines. It mentions that federal agencies provided input "through written and oral comments" in two meetings. Please provide copies of the written comments and a complete set of the notes and other memorializations made of any meetings or conferences on this subject. Please take care to identify who from each agency commented, the content of their comments and how they determined their positions.

(2) What methods of analysis were used?

In determining what our country's position should be on the proposals that would affect regulation of our commerce, what are the established procedures, if any, for determining potential costs and benefits? For example, are procedures for evaluating proposed regulation of commerce by the federal government, such as those in Executive Order 12291, used? If not, why not?

(3) What is the status of the Guidelines, and can consideration be postponed?

When are the proposed Consumer Protection Guidelines expected to be considered by ECOSOC and is that consideration likely to result in a vote on adoption? If so, what are the procedures for the United States to withdraw its comments and request postponement of any vote on the Guidelines until Congress or interested legislators have had a reasonable opportunity to determine what position this nation should take?

I look forward to your Department's prompt attention to these matters.

Sincerely,

LARRY PRESSLER,  
U.S. Senator. ●

AMENDMENTS SUBMITTED FOR  
PRINTING

RECIPROCAL TRADE  
OPPORTUNITIES

AMENDMENT NO. 547

(Ordered to be printed and to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to amendment No. 522, proposed by Mr. KASTEN, to the bill (S. 144) to insure the continued expansion of reciprocal market opportunities in trade, in services, and investment for the United States, and for other purposes.

AMENDMENTS NOS. 548 THROUGH 776

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted 229 amendments intended to be proposed by him to the amendment (No. 522) proposed by Mr. KASTEN to the bill S. 144, supra.

AMENDMENTS NOS. 777 THROUGH 1060

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted 284 amendments intended to be proposed by him to bill S. 144, supra.

## NOTICES OF HEARINGS

SUBCOMMITTEE ON INFORMATION AND  
REGULATORY AFFAIRS

Mr. DANFORTH. Mr. President, on Friday, May 6, 1983, the Subcommittee on Information Management and Regulatory Affairs of the Committee on Governmental Affairs will hold an oversight hearing on the Paperwork Reduction Act of 1980. The hearing will be held in room SD-342 of the Dirksen Senate Office Building, commencing at 10 a.m.

Witnesses expected to testify include representatives from the Office of Management and Budget, the General Accounting Office, the Business Advisory Council on Federal Reports, and the National Federation of Independent Business.

Interested persons, should contact Reid Detchon, Staff Director of the Subcommittee, at 224-0211. Anyone wishing to submit a statement for the record should forward it to the Subcommittee on Information Management and Regulatory Affairs, 128 C Street NE., room 44, Washington, D.C. 20510.

## COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's April 18, 1983, hearing on the President's Second Annual Report to the Congress on Small Business and Competition has been postponed until further notice.

Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Urban and Rural Economic Development has postponed until further notice its April 20, 1983, hearing on proposals to foster jobs creation through small business.

## COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the budget will resume its deliberations on the markup of the first concurrent budget resolution for fiscal year 1984 on Tuesday, April 19, at 10 a.m. and 2 p.m. in room 608 of the Dirksen Senate Office Building.

For further information, contact Nancy Moore of the Budget Committee staff at 224-4129.

AUTHORITY FOR COMMITTEES  
TO MEET

## SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, April 18, at 2 p.m. to hold a hearing on S. 720, fiscal year 1984, military construction bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 19, at 2 p.m., to hold a hearing on S. 720 fiscal year 1984, military construction bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## THE CASE OF DR. IOSIF BEGUN

● Mr. MATHIAS. Mr. President, today the distinguished majority leader, the Senator from Tennessee (Mr. BAKER) and I have sent a letter to the Secretary of State asking him to communicate to the Government of the Union of Soviet Socialist Republics the concern of the American people over the fate of Dr. Iosif Begun and other Soviet Prisoners of Conscience. We deplore the infringement of basic human rights implicit in harassment of teachers of Hebrew and the obstacles placed in the way of teaching that ancient language.

Both Senator BAKER and I have been actively working to improve the plight of Soviet Jewry for a number of years. It is gratifying that our efforts have produced some results. An excerpt from a letter recounting one such positive experience speaks for itself.

Last month I sent you the name of my cousin in Russia, who had been refused permission to emigrate. As I understand it, you went to Russia and presented a list of names to a very high official requesting that they be allowed to emigrate. Today I received a call from Vienna, Austria: my cousin, his wife, child, in-laws, etc.—eight people in all—are safely out of captivity. It is my hope that within a few months they will be here in Baltimore (just as long as it is not next week), where I will do everything within my power to integrate them into American society. We are richer by two older people, four young adults and two lovely children. We are all richer.

Senator BAKER and I have great confidence in the ability of Secretary Shultz to make a positive and forceful case on behalf of Soviet Jewry at a critical moment in the relations between the United States and the Soviet Union. In seeking Secretary Shultz' help we are following an appropriate historical precedent. A century ago another great Secretary of State, Frederick Theodore Frelinghuysen, made a powerful appeal on behalf of Russian Jews who were then the victims of Czarist oppression. Since that time it has been the consistent position of the U.S. Government to support the rights of Jews in Russia to enjoy the human rights that are considered essential by most of mankind.

Senator BAKER and I have confidence that Secretary Shultz can today make a contribution of comparable

significance and importance with that taken by Secretary Frelinghuysen. ●

NATO ALLIES: THERE IS  
STRENGTH IN NUMBERS

● Mr. TOWER. Mr. President, the relationship of the United States to the North Atlantic Alliance has always been subject to questioning and doubt in America, perhaps no more so than today. In Congress, there has been a threatened revival of the Mansfield amendment to bring U.S. forces back from Europe. In addition, there were a number of unfortunate provisions in the 1983 continuing resolution that have seriously troubled relations between the United States and her allies in Europe. These include the cutting of funds for the Pershing II program, the overly restrictive language on specialty metals, the denial of funds for the United States-West German wartime host nation support program, and the prohibition against funding for the pre-positioning of equipment for POMCUS Division Sets 5 and 6.

Senator PERCY, the distinguished chairman of the committee on Foreign Relations, recently gave a speech to the Chicagoland-O'Hare Chapter of the Air Force Association in which he outlined the importance of NATO to the United States and the deleterious effects on the Alliance of those troubling provisions in the 1983 continuing resolution. In speaking of President Reagan's statement that "Europe's shores are our shores; Europe's borders are our borders", Senator PERCY said, "If America should ever lose sight of this basic truth, if we should ever forget that we are in Europe not out of charity or good will, but rather to protect and preserve our own security and way of life, then the Western democracies will indeed face a threat of monumental proportions."

I should like to state my full concurrence with those sentiments, and I request that the full text of Senator PERCY's excellent and timely speech be printed in the RECORD.

The speech follows:

SPEECH BY SENATOR CHARLES H. PERCY—THE  
NATO ALLIES: THERE IS STRENGTH IN NUMBERS

I was particularly pleased to read the statement of policy which the chapter chose to highlight the theme of this symposium. The statement reads, "No service fights alone. They must plan and exercise together, just as they would fight—jointly and shoulder-to-shoulder with our Allies." I am reminded of my first job in charge of the Norden Bomb Sight project, which was developed by the Navy but its greatest use was with the Air Force.

As Chairman of the Foreign Relations Committee, I have taken special pains to inject an alliance dimension into the Senate's deliberations on defense and arms control issues. I congratulate the Air Force Association for reminding us that we cannot go it alone in countering the global chal-



lenge posed by Soviet military might. There has been criticism of our NATO Allies for not doing enough for our common defense. As a long-standing member of the North Atlantic Assembly and a friend of General Bernie Rogers, the able and well-respected Supreme Allied Commander in Europe, I do not believe this is so.

For this informed audience I am sure that I need not restate the entire contribution which NATO makes to our collective defense capabilities. Consider, though, just a few statistics. At this moment, the United States has about 660 fighter aircraft deployed at airfields in Europe; our Allies have over 3,000. The United States has 3,000 main battle tanks on European soil; our Allies have over 15,000. And while we have 165 naval combatants operating in European waters, our Allies have over 1,500. So, if war came we would not just be shoulder-to-shoulder with our Allies, they would be above us, below us and on each side of us and in numbers far exceeding our own.

But NATO is obviously more than a grouping of men and materiel. Ultimately, the Atlantic Alliance is only as strong as the political, economic and cultural bonds that permit its sixteen nations to act as one. President Reagan addressed this theme in a speech last summer to the German parliament. The President said, "Europe's shores are our shores; Europe's borders are our borders." If America should ever lose sight of this basic truth, if we should ever forget that we are in Europe not out of charity or good will, but rather to protect and preserve our own security and way of life, then the Western democracies will indeed face a threat of monumental proportions.

Today, NATO remains a strong and viable proposition. Under Francois Mitterand's leadership, France has taken an increasingly strong stand in support of NATO policies. This week, I had dinner with our envoy in London, Ambassador Lewis, and he emphasized how, in the wake of the Falklands campaign, the United Kingdom has rededicated itself to rebuilding its military strength. Italy has begun to play more and more of a leadership role in Alliance affairs. Last year, Spain joined NATO, an action of both military and symbolic importance. And just last week, German voters overwhelmingly re-elected a centrist coalition which has firmly associated itself with the NATO position on new Intermediate-Range Nuclear forces (INF). In the process, the forces of disengagement and neutralism in Germany were delivered a stinging rebuke.

Despite NATO's present vitality, we must never take the Alliance for granted. If NATO is to continue to serve the national security interests of its sixteen Members, we must anticipate future problems before they arise and resolve lingering disputes before they reach crisis proportions. Above all, we must remember that the United States cannot rule NATO by dictate. Mutual trust and support can only be sustained if we maintain the closest consultation and dialogue. In this context, I would like to discuss a number of contentious issues that stand at the top of the Alliance's current agenda.

The issue most likely to affect the well-being of NATO in the year ahead is clearly the "dual track" INF missile deployment and arms control plan. Some observers have said that 1983 will be "the year of the missile," and I tend to agree, at least as it pertains to NATO. With the re-election of Chancellor Kohl, the NATO plan crossed a significant hurdle. The new German government has reiterated its willingness to accept

the deployment of Pershing II missiles on its soil at the end of the year, should the Geneva discussions have not by then borne fruit. But a steady willingness to go forward if need be should not in any way lessen our determination to make every effort to find an acceptable arms control solution to this particular military threat.

The people of Europe expects not less of us. Indeed, if civil disobedience is to be minimized when and if the deployments actually begin, the vast majority of the European public must be convinced that we left no stone unturned in our search for a negotiated solution. On February 22d, President Reagan announced that while the "zero option" remains an ideal, long-term objective in these negotiations, the United States would accept any interim INF agreement that meets four conditions: strict equality of U.S. and Soviet INF systems, no compensations for British or French nuclear forces, no shifting of Soviet INF systems from Europe to the Far East, and effective verification.

I applaud the President for showing flexibility on this crucial issue. With the German elections behind us, I believe that our able chief negotiator in Geneva, Ambassador Nitze, should now be directed to follow up on the President's announcement and present the Soviets with a new U.S. proposal that incorporates these four principles. Having already defined the rough outlines of an acceptable agreement, there is no point in letting the Soviets score a propaganda coup by being the first to move away from their current negotiating position.

However, time is growing short in these negotiations. The German elections have given us more bargaining strength than ever before. I believe, therefore, that the time to move is now. The United States should tender a new INF proposal during the current negotiating round, and if need be, keep the two delegations in Geneva until we receive a Soviet response. If the Soviets then refuse to modify their current unacceptable offer, arms control will of course continue, but the burden of responsibility for the new NATO deployments will clearly rest on their shoulders.

A second action vital to the INF plan is for Congress to restore full funding for the Pershing II and Ground-Launched Cruise Missile (GLCM) programs. Much to my regret, the House and Senate conferees to the FY 1983 defense appropriations bill decided to delete all production funds for Pershing II and cut GLCM production funds by \$79 million. Although the conferees claimed that NATO can still meet the December 1983 deployment date for this missile with the 21 Pershings funded in last year's appropriation, I am concerned that a congressionally-mandated halt in the production series can only create doubts in Europe as to American resolve to carry through with the deployments. Moreover, as Ambassador Nitze advised me in a letter last December, "There is no prospect that the Soviets will negotiate seriously on the basis of the U.S. proposal if they conclude that support of the Congress for our deployments may be withdrawn or weakened."

While we in Congress are about the business of correcting the damage done to NATO by last year's defense appropriations bill, there are three other important programs that require special attention. First, Congress should modify the overly restrictive and protectionist language on specialty metals to permit a broader waiver authority in cases that promote NATO weapons stand-

ardization. The language adopted in December has created consternation in Europe and confusion throughout the defense industry in the United States, and it risks far more American jobs than it protects.

A second casualty of the bill was the U.S./West German Host Nation Support program. On April 15, 1982, the two countries signed an agreement creating a new 93,000 man reserve unit in the German armed forces. For the first time, a NATO ally has agreed to pay a major portion—in this case 50%—of the support costs of designated U.S. combat units.

Nonetheless, the conferees to the FY 1983 defense appropriations bill deleted funds for our share of this program.

In this bill, Congress also eliminated funding for the prepositioning of equipment for the fifth and sixth U.S. divisions that would reinforce Europe in time of crisis. Failure to restore funding for this program will have more than political repercussions. It will seriously jeopardize the strength of NATO defenses in a critical sector of its front lines. As General Rogers has warned, "Without this minimal force, the relative capability of the Warsaw Pact in the North German plain would be so overwhelming that we could not defend successfully without early use of nuclear weapons."

Before I close, I would like to raise one other issue that is critical to the strength and cohesiveness of NATO, the issue of U.S. troop levels in Europe. As many of you know, last year I fought hard to turn back a threatened revival of the "Mansfield Amendment." In the early 1970's, I opposed Senator Mansfield on this issue. In 1979, I vigorously opposed President Carter's plan to withdraw U.S. combat forces from South Korea. I remain equally opposed to any unilateral U.S. reduction in U.S. military strength in Europe now.

U.S. troop withdrawals simply cannot be justified in terms of a lessened Soviet military threat. Soviet conventional superiority in Europe is real and growing, as is forcefully illustrated in the new book on Soviet Military Power released by the Defense Department this week. At my request, DOD agreed to make a copy available to each of you today.

A unilateral U.S. pull-out would lower the nuclear threshold, undermine the Mutual and Balanced Force Reductions talks, and would not save money. A study prepared last year by the Congressional Budget Office found that withdrawing 70,000 U.S. troops would produce savings of \$400 million a year, but it would also require \$10.4 billion in new construction for stateside facilities.

None of this is to suggest that we should in any way lessen our efforts to promote greater defense contributions on the part of our Allies. We must all do more. But a great power like the United States should lead by example. A great power determines the course that must be pursued and, by force of logic and persuasion, encourages its allies to make greater efforts and sacrifices than might otherwise be the case.

This is the challenge, and the responsibility, that confronts the Alliance as we struggle in hard economic times to deploy adequate conventional defense capabilities. A decision by the United States to unilaterally withdraw troops from Europe would not, in my opinion, serve as a catalyst for greater European defense expenditures. Rather, I fear that it would send quite a different signal, a signal that America is confused about its security interests and unwilling to

bear the burdens of Alliance leadership. The result would be a crisis greater than NATO has ever faced. But this is a crisis that can and must be avoided. I can assure you that I will oppose any proposal this year for withdrawing troops from NATO with all the energy and conviction that I can muster.●

#### HINTS OF TROUBLE REACHING SOVIETS FROM AFGHAN WAR

● Mr. ARMSTRONG. Mr. President, on Sunday, April 10, the Philadelphia Inquirer ran a Los Angeles Times dispatch by Robert Gillette concerning the views of the ordinary Soviet soldiers of the conflict in Afghanistan. It sheds light on the barbaric Soviet military practices, and the effect these are having on Soviet military morale. I ask that it be printed at this point in the RECORD.

The article follows:

#### HINTS OF TROUBLE REACHING SOVIETS FROM AFGHAN WAR

(By Robert Gillette)

Moscow.—A Soviet army lieutenant, home from Afghanistan, shocked his civilian companions in a restaurant recently he told them that he never wanted to see his comrades-in-arms again. The officer had been drinking, but his sincerity was not to be doubted.

To the civilians at the table, Russians steeped in the sentimental reminiscences of World War II that fill popular books and magazines and a good part of Soviet television programming, the young lieutenant's attitude was incomprehensible.

He explained simply that there was nothing about the war to sentimentalize. It is brutal and brutalizing, he told his tablemates, and the less that he had to think about it the better.

In the three years since the Soviet army installed the pro-Moscow regime of President Babrak Karmal in Kabul, about 300,000 soldiers and officers have returned from Afghanistan on regular troop rotations, according to Western military specialists. Like the lieutenant, some of them are bringing home feelings of bitterness, frustration and horror of the American experiences in Vietnam.

Some have told friends and relatives of the futility of massive Soviet firepower in mountainous terrain, where a fanatic enemy seems to be everywhere yet is rarely seen.

There are scattered reports from returning troops about high casualties—squads and platoon-size units devastated by deaths, wounds, accidents and illness. In one instance, a Soviet officer has told friends that he was gravely injured by a chemical weapon apparently one involving Soviet-made poison gas.

Other veterans of the conflict are talking about the widespread use of marijuana and hashish among Soviet troops. A few have hinted at casual violence and atrocities committed by youthful Soviet recruits, possibly in retaliation for similar acts by Muslim insurgents. The disillusioned lieutenant, for one, gave two reasons for wanting to banish his memories of Afghanistan, which he said was "ruining" good men:

There are the severely wounded and crippled whose own traumas, he said, are painful to think about. And there are others, he said, who had debased themselves by "cutting off heads and other body parts" of

Afghan guerrillas. He did not elaborate, and his companions thought it best not to ask.

Pervasive secrecy about the Afghan war and the dispersion of returning troops through a country that has 271 million people and is spread almost halfway around the world make it hard to draw a representative picture of the Afghan war as seen through Soviet eyes.

But on the basis of comments collected through a variety of Soviet sources during the last eight months from 15 officers and soldiers who served there it would appear that the 105,000 Soviet troops now in Afghanistan suffer significant problems of morale and discipline.

Western diplomats do not believe that these problems are likely to weaken Soviet determination to stay in Afghanistan or to force basic changes in the conduct of the war against the insurgents. But experiences of Soviet troops, as they spread, are beginning to color public impressions of the war.

Secrecy limits the effect. Soviet news media, except for a recent spate of articles about heroic Soviet soldiers, rarely publish anything resembling war news. Many returning soldiers seem reluctant to talk about the war for personal reasons. Moreover, all military personnel, in addition to signing pledges not to have contact with foreigners, appear to live under special constraints where Afghanistan is concerned, and these may extend to troops discharged from the army.

On the overnight train from Leningrad to Moscow, for example, a Soviet office worker recently found himself sharing his compartment with an army captain on sick leave. The captain, eyes yellow with jaundice, turned down an offer of cognac, saying that he was recovering from hepatitis—a common illness among Soviet troops in Afghanistan—and that doctors had ordered him not to drink.

The office worker, struggling to make conversation, asked the captain what he did in Afghanistan. "We guard sites," he replied curtly, and fell silent for the rest of the trip.

Other military officers, however, have provided vivid glimpses of the difficulties that Soviet forces face in rooting guerrillas out of the awesomely rugged terrain of Afghanistan. During a brief home leave last summer in the Moscow area, an air force lieutenant colonel told an acquaintance that the military situation there was "terrible."

Echoing frustrations heard more than a decade ago from Americans in Vietnam, he complained, "You shoot but you never see anyone or anything to shoot at." He added that tanks, the mainstay of the Soviet army, had proved of limited value in a guerrilla war. "What good are tanks in the mountains?" he asked.

His perspective appeared to be that of an officer providing air support for ground operations. According to Western military specialists, the Soviets gradually have absorbed basic lessons of guerrilla warfare in Afghanistan and are adapting their tactics to local conditions. Air support is said to have improved, mainly through the growing use of helicopters. In the process, however, the Soviets have turned to scorched-earth techniques, using ground forces to cordon off villages and reducing them to rubble with indiscriminate strafing and bombardment.

None of the soldiers and officers whose remarks were accessible reported having seen or heard about the use of Soviet chemical weapons in Afghanistan. In one instance, however, a Soviet officer who came home

after spending several months in a military hospital told close friends that he had suffered severe lung damage from a chemical weapon and had been given five years to live.

His friends, who asked that he not be further identified, assumed at first that he had been the victim of a gas attack by insurgents. But when he steadfastly refused to say how he had been injured, or by whom, they concluded that he must have been the victim of an accident involving a Soviet chemical weapon.

Moscow has denounced as a fabrication U.S. contentions that Soviet chemical weapons have killed at least 10,000 villagers and insurgents in Afghanistan, Laos and Cambodia since 1975. In a mirror image of the U.S. accusations, the Soviet have contended in turn that the United States is supplying "poison chemicals" to Afghan guerrillas.

The only physical evidence the Soviet have cited consists of hand grenades they say were found among guerrilla arms caches. Published Soviet photographs clearly show some of them labeled as smoke grenades designed for defensive training exercises. Others are marked as containing non-lethal agents used in civilian riot control. Neither is likely to have caused the kind of severe injury reported by the Soviet officer.

One Western military attaché said he had no doubt that Afghan guerrillas would "use anything they could get their hands on," but he added that it would make no sense to put lethal gases in hand grenades because their short range would endanger the troops using them, even if they had protective gear.

Western analysts generally agree that while Soviet and Afghan government forces hold the cities, they control no more than about 20 percent of the countryside. Remarks by returning soldiers conform with this; they also tend to corroborate Western reports that guerrilla resistance continues in Kabul and other cities and that city streets in Afghanistan are far from secure.

The air force officer who described the overall military situation as terrible, for instance, also said that even in the capital of Kabul "there is no safe place to walk."

One young Muscovite, home on sick leave for hepatitis, said the standard procedure for Soviet soldiers going to Kabul cafes is to travel in groups of half a dozen, accompanied by two or three armed Afghans. In the cafes, he said, all keep their machine guns in their laps.

No official Soviet figures on casualties in Afghanistan have been made public, but the U.S. Defense Department estimates that the Soviets have paid a relatively low price in three years of conflict, with 5,000 killed and about 10,000 wounded. In the absence of official Soviet information, Soviets often are willing to believe much higher figures, in part because of sporadic but persistent reports of badly depleted units.

One young veteran from the Ural Mountains wrote to friends in Moscow last fall, for example, telling that only he and one other had survived out of his squad of 10 draftees.

The Moscow soldier flown home to recuperate from hepatitis said that 20 percent of those in his unit—he did not specify size—were either dead, wounded or ill. Still another soldier, from the Georgian capital of Tbilisi, told friends several months ago that only two of the 14 troops in his unit were still alive after less than a year in Afghanistan.



According to Western military specialists, the high incidence of infectious hepatitis reflects a combination of scarce water in Afghanistan and poor sanitation in military camps.

In the case of the soldier from Soviet Georgia, an acquaintance said that after recuperating at home, he was sent back to Afghanistan, in evident despair, with only three months left to serve. When his mother told him she was buying him new clothes in anticipation of his discharge, the friend said he replied, "Don't bother. I won't be coming home."

Whether he came home safely could not be learned.

Most Soviet soldiers in Afghanistan are draftees in their teens and early 20s who know little about the outside world and often seem ill-prepared and poorly motivated for the ferocity and complexity of modern guerrilla war. Recruits heading for Afghanistan are told routinely that their job is to defend a brotherly communist country from U.S. aggression. Not everyone believes it.

"They told us we had to go to Afghanistan to keep America from deploying nuclear weapons there," a veteran told two American students in Moscow last fall. The veteran indicated that he and his friends who had served there had attached little credence to the argument and that, overall, they had found their experience in Afghanistan a dispiriting one.●

#### TRIBUTE TO GEN. WILLIAM LYON

● Mr. WILSON. Mr. President, at a time when so many people find it easy to criticize the omissions or commissions of others, I am particularly pleased to bring to the attention of this body favorable recognition of someone who has given unselfish and outstanding service to our Nation and his own community. It is truly a pleasure for me to join with the Construction Industries Alliance Division of the City of Hope, Los Angeles, Calif., in honoring Maj. Gen. William Lyon (USAF retired) as the recipient of that organization's "Spirit of Life Award" for 1983.

General Lyon's brilliant military career, culminating in his very successful efforts as Chief of Air Force Reserve, is exemplary. His extraordinary activities as a respected leader in the business community of our State and in his civic and charitable endeavors have improved the lives of countless people.

It is most fitting that General Lyon's strength, determination and fortitude as a concerned citizen and caring human being are recognized in the manner of the Spirit of Life Award, and I ask that the U.S. Senate share in lauding his good works.●

#### THE CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION ACT AMENDMENTS OF 1983

● Mr. HATCH. Mr. President, it is indeed my pleasure to cosponsor S.

1003, "The Child Abuse Prevention and Treatment and Adoption Act Amendments of 1983." This legislation will reauthorize Federal efforts in child abuse and adoption assistance.

The primary purpose of this legislation is to facilitate and encourage the adoption of special needs children and assist States in treatment and prevention of child abuse and neglect. These programs, as a part of the overall child welfare system, served over 100 million children in 1981.

Through the National Center on Child Abuse and Neglect, an entity designated to provide information and research grants to States on various child abuse and neglect issues, States receive grant moneys for demonstration and service projects to treat child abuse and neglect. The definition of child abuse under this act has been amended to include "the denial of nutrition, medically indicated treatment, general care or appropriate services to infants with life-threatening congenital impairments." The expansion of the scope of these services is meant to provide the protection of State and Federal child abuse, neglect, and treatment laws to handicapped infants. As a strong advocate of handicapped patients, programs and groups, it is my hope that the protection offered under these laws will be extended to handicapped infants.

These amendments would reauthorize that authority as well as programs that provide adoption assistance for special needs children. Special needs children include those over 6, children that may have a handicapping condition, minority children, and the list has been expanded under this act to include handicapped infants, with the hope of facilitating their adoptions.

There is no national resource as important to our Nation's well-being and future as that of our children. They have the right to healthy, happy lives in homes with families where they are loved, safe, and secure. The Child Abuse Prevention and Treatment and Adoption Act offers a means for States and local governments to prevent abuses of our children and foster an atmosphere in which children with special needs can be adopted by families who will care for and love them.

I commend Senator DENTON for his work on these issues. I look forward to assisting him in working for a swift reauthorization of these important programs.●

#### LITERACY VOLUNTEERS IN MAINE CELEBRATE 14TH ANNIVERSARY

● Mr. COHEN. Mr. President, this year marks the 14th anniversary of the founding of Literacy Volunteers in Maine. During those 14 years, this organization has helped thousands of

Maine people learn to read and thus become more fully active in society.

We do not often stop to consider the insurmountable difficulties of the functionally illiterate—frequently, it seems that we would prefer to ignore the problem. But imagine the disadvantages of people who cannot read a menu, understand directions on prescription drugs, read the daily newspaper, or read a story to his or her child. More importantly, many of our fellow citizens are denied opportunities for job advancement because they cannot read required information on complete necessary paperwork.

In Maine, more than 10 percent of the adult population is classified as functionally illiterate. That percentage translates to 80,000 Maine people who are functioning well below their potential—and that represents a staggering loss in human energy and productivity.

Literacy Volunteers has been doing something about the problem. There are currently over 450 active volunteers in Maine giving their time and energy to help their fellow Maine citizens overcome this handicap. While public recognition of the efforts of this fine organization has not been what it should, more and more people are aware of Literacy Volunteers and the fine work the group does. In fact, earlier this year a special week was designated as "Literacy Volunteers Week in Maine."

Much of the credit for the work done by Literacy Volunteers in Maine must go to Sister Mary Benigna and Agnes Beckwith, who organized the group in Maine in 1969 and have been vigilant in working for this worthwhile cause ever since.

Ignoring a problem as serious as illiteracy will not make it go away. Only through increased public attention and the concerted efforts of groups like Literacy Volunteers can we hope to make progress in battling this national problem.●

#### INCOME TAX INFORMATION OF SENATOR DOLE

● Mr. DOLE. Mr. President, on this April 15, known throughout the country as "Tax Day," the Senator from Kansas would like to insert into the RECORD the following income tax information and a statement being issued from my office this afternoon.

The material follows:

#### SENATOR DOLE RELEASES PERSONAL INCOME TAX INFORMATION

Senator Bob Dole today stated that he and Mrs. Dole paid a total of \$171,206 in Federal and State income taxes for calendar year 1982, and of that amount the Senator paid \$53,285 in Federal taxes and together they paid \$28,642 in Kansas and District of Columbia income taxes. Their Federal return, filed today, shows a total 1982 Federal tax payment of \$142,564, which Dole stated

represented 117.5% of their combined salaries.

Senator Dole released a summary of their joint return, highlights of which indicate that Dole earned \$135,750 for speaking engagements, but that 37.9% of this, or \$51,500 was donated directly to charity. An itemized listing of the charitable donations is attached.

As a result of the honoraria income from speaking engagements, Dole paid \$34,782 in Federal taxes in addition to those taxes withheld from his Senate salary. This figure represents 25.62% of the honoraria earned, and 57.34% of his Senate salary. As a consequence, Dole retained only 36.44% of the honoraria income after deducting the charitable donations and additional Federal taxes. In the future, Dole will channel these contributions directly to charity through the auspices of the Dole Foundation, a newly formed public foundation organized for the benefit of handicapped citizens in Kansas and across the nation.

Other highlights of the return indicate that none of Dole's income was from stocks

or bonds and that he had no tax-sheltered income. His only other income was from radio programs that netted him \$6,397, he received \$7,709.73 in interest from savings accounts and certificates of deposit, and a non-taxable retirement pension from the U.S. Army of \$12,596.74, which the Senator receives as a result of injuries sustained in World War II.

Detailed summaries of the Doles' joint returns for the years 1978 through 1982 are attached.

#### Honoraria Donated to Charity—1982— Senator Bob Dole

Easter Seal Society for Crippled Children & Adults of Kansas.....	\$3,200
Kansas Elks Training Center for the Retarded.....	1,500
American Lung Association of Kansas.....	1,800
Institute of Logopedics, Inc., Wichita, Kansas.....	200
Foundry Methodist Church, Washington, D.C.....	10,000
Kansas Jaycee Cerebral Palsy Foundation, Inc.....	3,200

Leukemia Society of America, Kansas Chapter.....	1,600
Kansas Masonic Home.....	400
The Salvation Army, Kansas City, Kansas.....	1,400
Kansas Foundation for the Blind.....	2,800
Lakemary Center, Paola, Kansas.....	2,400
Kansas Chapter, American Heart Association.....	2,500
Kansas Children's Service League.....	2,000
Kansas Association for Mental Health.....	1,500
Capper Foundation for Crippled Children, Topeka, Kansas.....	2,000
National Kidney Foundation of Kansas and Western Missouri.....	4,000
United Negro College Fund, New York, N.Y.....	4,000
Kansas Wesleyan College, Salina, Kansas.....	1,000
Kansas Society for Crippled Children.....	2,000
Kansas Association for Retarded Citizens, Inc.....	2,000
WETA-TV 26, Washington, D.C.....	2,000

Total honoraria donated to charitable organizations..... 51,500

#### SENATOR AND MRS. BOB DOLE—TAX SUMMARIES—1978-1982

	1982	1981	1980	1979	1978	5-year average
Total income.....	\$436,676	\$283,068	\$207,559	\$96,391	\$125,889	\$227,717
Combined salaries.....	125,741	115,017	60,663	67,970	107,500	95,578
Honoraria.....	142,147	66,850	29,850	20,325	22,500	56,334
Employee business expense.....	22,196	17,873	5,695	7,470	5,588	11,764
Adjusted gross income.....	414,480	257,695	198,264	88,921	120,301	215,932
Deductions:						
Medical.....	150	150	150	150	150	150
State, local and other taxes.....	26,378	20,426	11,600	5,304	9,666	14,675
Interest.....	4,406	(*)	2,450	2,525	2,548	2,386
Charitable contributions.....	69,588	46,710	19,919	6,417	7,938	30,114
Miscellaneous.....	12,376	5,858	6,157	24,358	12,106	12,171
Total Federal taxes paid.....	142,564	93,534	80,052	38,424	36,538	78,222
Federal taxes withheld.....	37,372	37,577	19,861	21,888	32,050	29,750
Additional Federal taxes paid.....	105,192	56,935	60,191	16,536	4,487	48,668

\* Includes \$51,500 in honoraria donated directly to charity (see attachment), and \$6,397 net income from radio programs, but excludes \$12,596.74 in non-taxable retirement pension from U.S. Army Senator Dole receives as a result of injuries sustained in World War II.

† Includes \$30,500 in honoraria donated directly to charity.

‡ \$2,374 standard home mortgage interest deduction included in Employee Business Expense.●

#### WHITE PAPER ON NATIONAL SECURITY

● Mr. ARMSTRONG. Mr. President, Mr. Edward Walsh has prepared for the U.S. Industrial Council a thoughtful and provocative "white paper" on national security. It is meticulously researched, carefully written, and suggests some imaginative answers to some of the most vexing questions facing us in national security policy. I believe all Senators will profit from studying it carefully. I ask that the United States Industrial Council's White Paper on National Security be printed at this point in the RECORD.

The material follows:

#### UNITED STATES INDUSTRIAL COUNCIL WHITE PAPER: NATIONAL SECURITY

##### PREAMBLE

This paper is a statement of the United States Industrial Council's views on the critical issues of national defense. It is a broad statement, an attempt to look to the future, with a sense of concern about the present.

A statement by a business organization on the vast and complex issues of national security must necessarily provoke disagreement within the American business commu-

nity. Those who facilely separate national security from more immediate economic issues affecting their balance sheets may well object to the importance the USIC places on national defense. Yet the Council derives its identity from such disagreement. We are an organization of American businessmen who consider ourselves Americans first. Furthermore, as businessmen, we see a clear link between the defense of our nation and those allies who share our political values, and the preservation of the vital and precious economic liberties that enable us to continue to provide prosperity and security to our employees, our shareholders, our families, and our country.

##### INTRODUCTION

The United States Industrial Council has long recognized the need for America to remain militarily strong. The Council membership is composed of patriotic businessmen who believe that our precious political and economic liberties, including the freedom to participate in a free enterprise economic system, are purchased by constant vigilance against internal and external enemies.

Forty years ago, those enemies were the forces of militarism and fascism. Today, the principal threats to our nation are Soviet imperialism and the puppets of internation-

al communism, aligned against us since the end of World War II.

U.S.-Soviet relations since the Second World War and even earlier is characterized by conflict and competition for political, economic, and military leverage in every corner of the globe. Although this point seems so elementary as to hardly be worth mentioning, it deserves to be stated early in this paper, since recognition of the fundamental, unrelenting conflict between the United States and the USSR, at every level, is the linchpin of the USIC perspective on national defense.

Furthermore, the reality of U.S.-Soviet conflict is no longer as apparent as it once was. Two decades of diplomatic obfuscation and overwrought idealism by liberal U.S. policymakers have distorted the image of the Soviet Union, transforming it from that of an aggressive, totalitarian, militaristic superpower, as the USSR was recognized to be twenty years ago, into an economically troubled, insecure, and backward rival to the U.S., but still a rival that yearns for friendship with the American people.

Backward it may be. Economically weak it certainly is. Yet, in international affairs, the Soviet Union today is essentially the same as it was under Stalin: aggressive, ambitious, deceitful, and militaristic. This reality has never changed, even in the years of preten-



sions to "détente," when trade and cultural contacts with the Western democracies expanded greatly. Neither has it been altered by fifteen years of discussion of strategic arms control with the United States, and negotiations on reduction of conventional force levels in Central Europe with the Western allies. Rather, a cursory look at recent history shows that the Soviets have scored their greatest political and military gains in the years when Western diplomats believed them to be growing more conciliatory.

The Cuban missile crisis of October, 1962 is probably the most useful point of demarcation from which to trace the modern U.S.-Soviet military relationship. At that time, the United States enjoyed nuclear supremacy over the Soviets in a ratio of roughly 10:1 and was thus able to face down boldly Premier Khrushchev's attempts to base nuclear weapons in Cuba. The consensus among Western observers of Soviet affairs is that that humiliation ensured Khrushchev's removal from power, which took place in 1965, orchestrated by a triumvirate led by Leonid Brezhnev, who was to lead the USSR until his death in November 1982.

If Brezhnev's accession to power was rooted in Soviet military shortcomings, he quickly set about redressing them. Even as the Soviet government accepted President Lyndon Johnson's invitation, at the Glassboro summit in 1967, to begin strategic arms limitations talks, the Soviets were building their armed forces, both conventional and strategic, into the largest military machine in history. That buildup continues today.

#### COMPARISON OF FORCES

Although it is impossible to determine exactly at what level the military capabilities of the United States and the Soviet Union are equal, all experts believe that, since the mid-Sixties, the military balance has been transformed from one of clear-cut American supremacy in nearly every area to a condition of "parity," or "rough equivalence," which means that the Soviets, while remaining behind the U.S. in certain fields, have in fact surpassed us in others. It is clear, moreover, that the Soviets, while improving and increasing their military capabilities across-the-board, have put special emphasis in the areas in which the U.S. formerly held overwhelming superiority: naval power and intercontinental ballistic missile forces.

To gain a clearer insight into the current U.S.-Soviet military balance, it is necessary to look at the figures on the forces that comprise it. In doing so, we recognize that the capabilities and weaknesses of specific weapons systems and military units vary greatly, and that the military establishments of both superpowers are configured for different missions. Still, the disparities are startling. For example, in 1981 the Soviet armed forces numbered more than 4.8 million men. Soviet ground forces are organized into 180 divisions, including motorized rifle, tank, and airborne divisions, deployed in Eastern Europe, Mongolia, and Afghanistan. These forces are armed with 50,000 tanks and 20,000 artillery pieces. They possess more than 5,200 helicopters. In contrast, the American armed forces are expected to number 2,127,000 men and women by the end of 1983. U.S. ground forces will be composed of 16 Army and three Marine divisions.

The Soviet Navy boasts 360 major surface warships and amphibious vessels, up from about 260 in 1965. In addition, the Soviet fleet includes 935 smaller missile and patrol vessels and minesweepers, and some 755 lo-

gistical and auxiliary ships. The Soviet Navy operates 377 submarines, 180 of which are nuclear powered. Of these, 270 are torpedo-firing attack submarines, the latest class of which is believed to be the fastest and deepest diving in the world. The balance of the conventional submarine inventory is composed of cruise missile-firing boats that can strike at surface targets from a distance of 60 miles. The newest, Delta class of Soviet submarine is a strategic weapon, armed with ballistic missiles that can reach targets in the United States from most of the oceans of the world.

Soviet naval aviation maintains 1,440 aircraft, including the supersonic Backfire, which can attack ships from long ranges with cruise missiles or bombs. The Backfire is also a strategic bomber in the Soviet Air Force. The Soviet Navy also has some 400 fixed-wing aircraft for anti-submarine warfare and surveillance.<sup>1</sup>

In 1981, the U.S. Navy possessed 370 surface battle force vessels, including combatant ships, amphibious vessels, patrol craft, minesweepers, and support ships. The Navy had 87 attack submarines and 34 intercontinental ballistic missile-firing subs (SSBN), for a total of 121, of which 115 are nuclear-powered.<sup>2</sup> The Reagan defense program proposes to increase the total number of vessels, including submarines, to 526 by 1984 and aims at a 600-ship navy by the late Eighties.<sup>3</sup>

U.S. naval aviation, by 1984, is expected to muster 16 tactical air wings, including 3 Marine air wings and 24 land-based patrol squadrons and support aircraft. Total operating naval air strength will reach 4,940 aircraft by 1983. This will include 643 fighters and 1,075 attack planes,<sup>4</sup> as well as antisubmarines, patrol, transport craft, trainers, and others.

The Soviet Air Force is divided into three separate air divisions, frontal (tactical), long range, and transport. The tactical division possesses some 4,800 fixed-wing combat aircraft, 250 transports, and 3,500 helicopters. The transport air arm has approximately 600 medium and long range cargo planes. Soviet long range aviation maintains a force of over 800 bombers and support aircraft, including 156 bombers capable of carrying nuclear weapons. These include about 70 Backfires. The Soviet air defense force consists of roughly 2,500 fighter aircraft, including the sophisticated Foxbat, which can operate at an altitude of 25,000 meters. The Soviet Air Force also possesses an early-warning AWACS-type aircraft and is developing a newer version of it.<sup>5</sup>

The United States Air Force is expected to have 26 active tactical air wings of 72 planes in 1984. These would eventually be composed of high-performance F-16 and F-15 jet fighter-interceptors. Bomber versions of these planes are also planned. The Air Force expects to have 20 strategic bomber squadrons by 1984.<sup>6</sup> The B-1 strategic bomber program has been revived, after being canceled by President Carter in 1977. Eventually, 100 B-1s are expected to be built.<sup>6</sup>

Soviet strategic forces are likewise formidable. Since the mid-1970s the Soviets have developed three new land-based intercontinental missiles (ICBM), the SS-17, -18, and -19. The SS-18 is the world's largest rocket, more than twice the size of the U.S. Minuteman III. All these missiles are configured as multiple-targeted reentry vehicles (MIRV), that is, multiple warheads mounted on a

single launcher. Soviet ICBM forces now boast five types of launchers (SS-11, -13, -17, -18, -19) for a total of 1,398. The Soviet Navy, furthermore, possesses 950 submarine-launched ballistic missiles (SLBM), which carry a total of about 2,000 warheads.<sup>7</sup>

The strategic forces of the United States include 1,000 Minuteman II and III ICBMs, and 43 Titan II ICBM launchers. Each Minuteman III is capable of carrying three MIRV'd warheads. Currently, the U.S. SSBM forces carry 616 Polaris, Poseidon, or Trident SLBMs.<sup>8</sup> The U.S. Air Force's strategic bomber squadrons include some 300 long-range bombers.

[Charts are not printed.]

Theater nuclear weapons, based in Europe, are a key indicator. The United States has 108 intermediate-range nuclear missiles, which are more than offset by some 750 Soviet land-based theater nuclear missiles of varying types, including the newest, SS-20, a mobile missile based in Eastern Europe and the Western Soviet Union.

These figures are the key to the U.S.-Soviet military balance. They do not tell the whole story, since the forces of our NATO allies and the Warsaw Pact countries have not been included. However, the essential "correlation of forces," to employ the Soviets' term in the military context, remains the same even when the totals for those countries are considered: clear superiority in numbers in manpower and most weapons systems for the Soviets, with areas of demonstrated technological superiority for the Western allies.

The general perception of Soviet advantage in numbers, and Western lead in technology, the "quantity versus quality" view, has been the heart and soul of U.S. national security policy for nearly a generation. The American strategic arsenal was developed and deployed, at least in part, to serve as a nuclear "umbrella" over our Western European allies, whose conventional forces were not then, and are not now, expected to be a match for the massive Soviet and Warsaw Pact formations stationed in Central and Eastern Europe—even in concert with ours. Instead, should war come to Europe, the allies would rely on superior mobility, armor and anti-air defense, and theater nuclear weapons.

The American lead in the application of sophisticated technology to weaponry is still today a significant factor in assessing the U.S.-Soviet military balance. In certain areas—for example, the employment of microelectronics in air defense—the U.S. lead remains dramatic. The Israeli Air Force's destruction of Soviet-built Syrian air defenses in June 1982, using American techniques of coordinating early warning, detection, and attack, clearly demonstrates that in the United States, military technology has advanced to a very high level of sophistication.

Nevertheless, the principal consideration must be to determine what U.S. national security policy should be in the future, not the present. What matters most is the long-term trend in the evolution of the military establishments of both superpowers. The theme may have been "U.S. quality" arrayed against Soviet "quantity." But the trend in nearly every criterion of military preparedness has been in the Soviets' favor. The relationship today is more precisely U.S. quality vs. Soviet quality and quantity.

In short, the fundamental assumptions on which U.S. defense policy has long been

Footnotes at end of paper.

based have been fractured. The perennial warnings about Soviet efforts to "catch up" with the U.S. in military power are on longer relevant. Although the perception of U.S. technological superiority in certain areas remains valid, the Soviets have caught up. Despite the hopes of liberals in the U.S. foreign policymaking apparatus through the Sixties and Seventies, the trends in Soviet military development demonstrate that the Soviets are not, and never have been, content with "rough equivalence." Instead they are pressing for clear military superiority over the West.

This conclusion is amply supported by the recent history of Soviet and U.S. spending on defense. The chart below provides a graphic illustration of the trends in military spending by both superpowers:

[Charts are not printed]

The chart reveals not one, but two significant trends: first, the nearly inexorable growth in Soviet military outlays; and, second, the precipitous decline in U.S. defense expenditures in the years 1968-1976.

The U.S. Defense Department, in its 1981 report on Soviet military power, estimated that in 1979, the Soviet Union outspent the United States on defense by 70 percent. Gen. David C. Jones, who retired as chairman of the Joint Chiefs of Staff last year, suggested in his Fiscal Year 1982 Military Posture Statement a more conservative figure of 50 percent, or a dollar figure of \$450 billion over the past ten years. The Central Intelligence Agency estimates that the Soviet devote 12-14 percent of gross national product to military expenditures. The Soviet defense sector is the first priority of the Soviet economy. In contrast, U.S. defense spending in relation to GNP is depicted below:

[Chart is not printed.]

The conclusion to be drawn from the evolution of Soviet and U.S. military spending is not that the United States should mimic the Soviets in every weapon ordered and dollar allocated to defense. Comparisons of forces and expenditures are only useful in discovering the direction most likely to be taken by both sides into the future. Until 1978, the disparity in the trend was unmistakable: the USSR regularly and dramatically increased its military spending, regardless of overall economic growth year-to-year. In contrast, American military expenditures declined consistently, both in real terms and as a percentage of GNP, with the exception of the bulge on the graph during the years of the height of the Vietnam War.

The chart on Page 9 demonstrates that United States military preparedness vis-a-vis the Soviet Union has declined markedly over the years. It shows also that Congressional concern for military readiness has deteriorated.

#### A STRATEGY FOR DEFENSE

The position of the United States Industrial Council is that both of these trends must be reversed, if our political and economic liberties—and those of our allies—are to be safeguarded against the multiple forms of Soviet aggression, subversion, and intimidation that have been made possible by the Soviets' achievement of military might. As a business organization, the USIC leaves the analysis of the specific means by which our national security can be enhanced to those professionally trained in such matters. A sophisticated debate is taking place in political, military, and public policy forums on the nature of weaponry that the Defense Department should procure into the future, in light of cost, mis-

sion, and rapidly developing technologies. Insofar as the participants are honorably engaged in determining how the United States can best defend itself and its interests, the USIC stands apart from the debate. However, it is clear that many of those who object to building new, larger nuclear-powered aircraft carriers, high-performance jet fighters, and other weapons are uninterested in, or antagonistic to, the critical national security challenge facing the United States in the mid 1980s.

The Council believes that the fundamental consideration in deciding what weapons should be tested, evaluated, and procured by the Defense Department is, simply put, that weaponry must reflect a coherent strategy. This unremarkable axiom has served as the underpinning of defense planning through the postwar decades. In recent years, however, questions have arisen as to what the U.S. strategic view should be. Long-held assumptions about our relations with the Soviet Union, China, the Middle East, the nations of Latin America, and our allies in Western Europe have been shaken and revised. The developing nations of the "Third World" commanded greater attention from both superpowers. The repercussions of the Vietnam tragedy were felt throughout American policymaking, and the pursuit of "detente" with the Soviets blurred our assessment of their international behavior.

While our nation's policies and positions with regard to all nations will constantly be amended to reflect changing conditions, our strategic world view, as it affects national security, should remain constant. As stated at the outset of this paper, the USIC believes that the centerpiece of that strategic view should be the conviction that the Soviet Union is the greatest threat to our security, and that the Soviets or their agents are close to the center of most regional political crises that endanger the United States' interests.

For American policymakers to formulate strategy, from which the technical configurations of weapons systems are derived, it is first necessary to examine Soviet international behavior: an unremitting pattern of subversion, terror by proxy, and active aggression in every corner of the globe, resulting, in recent years, in the assimilation of Vietnam, North Yemen, Angola, Nicaragua, Mozambique, and Ethiopia into the Soviet orbit. Soviet efforts continue throughout Central America and Southern Africa. Afghanistan is under the Soviet heel. The Soviets supply arms to Syria, Iraq, and Libya, which function, in varying degrees, as Soviet clients. India has also signed a treaty of friendship with the USSR. In 1980, according to the Defense Department, some 20,000 Soviet military advisers were stationed in 28 countries. The Soviets employ approximately 35,000 Cuban proxy troops in 20 countries. In short, the Soviet strategy is fundamentally aggressive and offensive. It has had significant successes in recent years, compared with only a few setbacks, for example in Egypt, Chile, and Jamaica.<sup>9</sup>

The Soviet strategy aims at the United States and its allies through a variety of political, economic, and covert means. The Kremlin attempts to restrict Western access to mineral and energy resources critical to industry. The underdeveloped, unstable nations of Southern and Central Africa, which provide the bulk of the free world's supplies of chromite, platinum-group metals, cobalt, and manganese are under pressure from Soviet operatives, especially Cuban troops. Through the means of legal and illegal

"technology transfer," the USSR has tapped Western sources of sophisticated new technologies for both military and civilian applications. The U.S. Industrial Council has long opposed, and continues to oppose, trade with Soviet bloc countries in such strategic goods and technologies. Currently, there are ten agreements on scientific and technological cooperation in effect between the U.S. and the USSR. These have eased the efforts of Soviet spies to obtain access to classified U.S. industrial and scientific information with potential military uses.

Since the Soviet strategy is offensive, the strategy of the United States must be to counteract that offense. Despite the slanders of leftists at home and abroad, the U.S. seeks only to defend fundamental political freedom. Our strategy is defensive in nature; thus, the military posture through which that strategy is expressed, and the tactical organization and weaponry it deploys, will be configured for defense as well.

For this reason, the USIC strongly supports President Reagan's efforts to increase the tactical and strategic capabilities of our armed forces. It should be emphasized that those efforts do not attempt to suddenly overturn the ratio of federal dollars devoted to domestic social programs and military spending. The President's program aims at a much-needed reorientation of budget expenditures, in order to improve our defenses. A larger share of the budget will be spent on the military, but the weight of federal expenditures will continue to pay for domestic programs, as illustrated on the chart at the top of page 14. In other words, the claim by the opponents of the President's program that funding is being shifted from social programs to defense is false. The President's original defense proposal projected defense expenditures of \$1.611 trillion through the years 1982-87. That figure reflects an average real growth rate of 8.1 percent, which is not excessive in light of the trend of the seven preceding years, 1975-81, during which defense spending rose at a real rate of only 1.8 percent.<sup>10</sup> (See second chart on page 14.)

[Charts are not printed.]

#### THE POLITICAL PROBLEM

As a result of the Administration's efforts, certain improvements in military preparedness can already be noted, especially in manpower levels. The Defense Department has accelerated research, testing, and evaluation of a number of new weapons, both tactical and strategic, that are needed to redress the imbalance between both the NATO-Warsaw Pact conventional force levels and the strategic nuclear arsenals of the United States and the USSR. Because of its demonstrated resolve, the Administration has incurred the anger of the perennial enemies of strong defense: the social welfare constituency, liberal and radical religious activists, and extreme left, pro-Soviet individuals and organizations. At the same time, concern about the Reagan defense proposals has been expressed by others who normally support defense increases: businessmen, conservative Congressmen, and various pro-defense analysts and scholars.

This paper has already replied to those who believe a U.S. defense buildup is immoral; it has detailed the magnitude of the Soviet military buildup and stated unequivocally that U.S. strategy must be purely defensive—of our values and interests and those of our allies. However, the reservations of those who do support some measure



of increased military readiness must be addressed as well. In them, there are both sound reasoning and fair questions for the Administration.

The gist of these objections to the Reagan defense program seems to be fourfold: (1) the Administration has failed to deal with the problem of excessive costs for weapons that meet with excessive delays in delivery; (2) political realities prevent further reductions in social welfare spending and other entitlements programs; therefore, the Defense Department must take some cuts if the budget is to be balanced; (3) the Administration, while seeking funding for a variety of new weapons, has failed to enunciate a clear strategy in which those weapons would play a role; (4) having framed the Soviet threat in apocalyptic terms, the Administration has since retreated and compromised on the defense budget in the way of politics as usual.

The first of these charges has been leveled at the Defense Department for many years. Cost overruns are to be found in nearly every government project, and modern weapons, developed on the frontiers of technology, seem particularly prone to them. Still, Defense Department officials of the Reagan Administration have shown themselves to be sensitive to this charge and have been publicly aggressive in demanding that contractors keep tight reins on costs. Excessive costs are also a function of other problems: in the procurement process, for example, unwarranted political considerations have led to contracts being awarded to firms ill-equipped to fulfill them to specifications or on time, or to contracts being awarded for weapons no longer needed or wanted. This indictment can be leveled at Congress as well as at the Administration.

On the second objection, while the USIC does not believe that the Defense Department should be given carte blanche to spend whatever it likes, it does state, as one of the pillars of the USIC Declaration of Policy, that a credible defense must be maintained. This is a judgment on principle, not on an economic or political calculation of what the nation can afford to spend on national security. The Council believes that defense is the ultimate social welfare program, which determines whether the United States will be able to continue to provide both social services to the underprivileged and economic freedom to the businessman.

The third and fourth points are startling opposites. That they are voiced at all demonstrates the central problem of the Reagan Administration's defense planning: the Administration has not adequately explained or defended its policy. The dichotomy was illustrated in a speech by Secretary of Defense Caspar Weinberger on April 19, 1982 to the Council on Foreign Relations. Mr. Weinberger outlined a strategic view that the USIC believes is the correct one. He called the USSR a "mature and aggressive superpower" and explained that "the United States seeks to deter Soviet aggression against the United States and its allies by maintaining the capability to respond effectively at the lowest level of violence."<sup>11</sup> At the same time, however, he stated that the Administration might make "certain budget reductions" in the defense budget for fiscal year 1983. Without retreating from any defense commitment, he suggested that the door was open to cutting the defense plan the Administration had suggested one year earlier.

Needless to say, the perception was one of contradictions: of wanting to maintain and

even augment military commitments, yet willing to make spending cuts. In the U.S. Congress today, there exists a mentality that is utterly closed to imprecations about national security needs. Thus, while two signals were delivered by the Administration, only one was heard: that the defense budget could be cut. And cut it was.

This is not to suggest that politics can be kept out of defense spending considerations. Horsetrading is inevitable, due to the realities of the task of getting legislation through Congress. But the USIC is concerned with adherence to principle, not with swimming with the political currents of the day. The Council's view is that the Reagan Administration's initial request for obligatory authority for defense reflected genuine determination to build up our defenses. It was not extravagant (a 14 percent increase in fiscal year 1982 and about 7 percent through 1986) in view of the continuing Soviet buildup and the decline in U.S. defense capabilities over a ten year period.

The Administration, however, miscalculated the incipient power and ideological dedication of the anti-defense lobby. While offering to compromise on defense spending, it failed to extract important concessions on other budget items. This ignited the opposition to defense spending in Congress that had been neutralized by the Administration's chief political asset: a steadfast, unwavering commitment to national defense.

The Administration's waffling on defense is unfortunate, because it is taken by longtime opponents of larger defense budgets as a sign that defense will be slashed back if the political pressure is sufficient. This kind of pressure takes various forms. Currently, an influential school of defense analysis is arguing that the U.S. can obtain better defense by ordering updated versions of older tanks, smaller, less sophisticated aircraft carriers, diesel-powered rather than nuclear-powered submarines, and simpler helicopters and other conventional weapons systems. The "simpler is better" option may well be worth evaluating where more complex weapons have failed repeated testing and force readiness requires as-soon-as-possible delivery. Nevertheless, it should be considered on a case-by-case basis, not as a general rule. Those who advocate buying all smaller, cheaper, and simpler weapons without regard for mission or battle conditions in which they would likely be used are probably more interested in cutting defense spending than in insuring adequate military preparedness. The "cheaper is better" school is in some ways a convenient, somewhat respectable smokescreen for outright enemies of strong national defense.

#### THE PROBLEM OF "DETERRENCE"

It is in the strategic area where the Administration risks losing the support of longtime believers in strong national defense—the "defense consensus," as a result of its failure to articulate its policy, or more precisely, the link between strategy and weapons-building. This is especially true since the spread of a popular movement calling for a bilateral "freeze" on development of strategic nuclear weapons. Despite its roots in the pro-Soviet Left of Western Europe, the freeze movement is also an expression of the fears of many well-intentioned Americans that the nuclear arms "race" is out of control. These fears are a culmination of some twenty years of lack of understanding by the American people of the direction of our nuclear arms policies. Despite the president's efforts this lack of understanding still exists.

The distrust, apprehension, and fatalism displayed by the American people towards new strategic weapons sought by the Administration is not a lack of support for a stronger national defense. Rather, it is the outcome of the legacy of a strategic weapons policy created by engineers and social scientists, instead of experienced military officers, during the Sixties.<sup>12</sup> This policy came to be known as deterrence. It grew out of the search for a policy to control nuclear weapons, in recognition of the new world of warfare that such weapons introduced. As Daniel Patrick Moynihan describes it, "the nuclear power was to deploy its forces so that if attacked, it could attack back, inflicting assured destruction on the party that had attacked it in the first place."<sup>13</sup> Assured destruction was the key, which, it was thought by the theorists who surrounded Defense Secretary Robert McNamara, would deter the United States and the Soviet Union from ever using nuclear weapons. In 1969, Donald Brennan of the Hudson Institute used the term "mutually assured destruction," coining the acronym MAD, which became the watchword of politicians and analysts who opposed the policy, and the siren of the disarmament movement in the Eighties.

The key to deterrence in this sense, therefore, was the calculated certainty of a second, retaliatory nuclear strike. Each side would forever refrain from nuclear attack on the other, it was thought, out of fear of reprisal. It was essential to the theory that the Soviets have the confidence that they too could launch a retaliatory strike, notwithstanding that an unprovoked U.S. first strike against the USSR was as unthinkable then as it is now. Thus, the United States relaxed its lead in nuclear weapons in order to allow the Soviets to "catch up" with us and join us at a level of nuclear weaponry that the authors of deterrence thought would create a stalemate. This slowdown in building strategic weapons meshed well with the political realities of the Vietnam years, when it was difficult enough to get defense appropriations through Congress. But it had a highly theoretical rationale: that each side would deploy a "countervalue" nuclear capability—the power to inflict "unacceptable" civilian casualties on each other—such that the horror of nuclear war would in effect deter it.

The problem with deterrence was that no one explained it to the Soviets. As the Soviets built their strategic arsenal to the level of the awesome power they boast today, it became clear that they were not content with a stalemate. Instead they were building nuclear weapons large enough and powerful enough—and building enough of them—to destroy the American missiles that made up our "deterrent."

In late 1976, the President's Foreign Intelligence Advisory Board suggested that the nation's intelligence community, as part of the annual National Intelligence Estimate, conduct an exercise in strategic theory, utilizing competing teams to challenge and defend deterrence. The challenge team, called the "B" team, won. The N.I.E. conclusion, that the Soviets possessed a "counterforce" or anti-missile capability, sent shock waves through the U.S. defense and foreign policy establishment.

Today the Soviets possess, in their 300-plus SS-18 ICBMs, each of which carries ten warheads, the capability to destroy our land-based deterrent.

The unprecedented Soviet strategic buildup that gave birth to the counterforce capa-

bility took place, in the height of irony, during the years of strategic arms limitation talks between the U.S. and the USSR. The SALT II treaty was signed in Vienna on June 18, 1979, by President Jimmy Carter. A little more than a year later, an anonymous Carter Administration official leaked the story that Mr. Carter had signed Presidential Directive 59, which proposed a sea change in strategic policy.<sup>14</sup> Deterrence in its former sense—utilizing assured destruction—was to be augmented by a policy of fighting a "limited" nuclear war. Soviet military installations, including missile silos, communications centers, and command posts, would be targeted, in recognition that the Soviets contemplated nuclear war in terms far less theoretical than most U.S. strategic thinkers. If they possessed the ability to destroy our land-based missile force with a first strike, then deterrence was obviously less credible. While the U.S. strategic missile forces based in submarines would survive such a first strike, the retaliatory power of the SLBMs is less intimidating to the Soviets than the land-based force of ICBMs and bombers, which would be the targets of first strike.

The development of the SS-18 was the key to the end of deterrence as originally envisioned by U.S. planners. It skewed the nuclear "balance" in favor of the Soviets, who have been striving not for balance, but for superiority. In July 1974, Secretary of State Henry Kissinger asked rhetorically: "What in the name of God is strategic superiority? What is the significance of it . . . at these levels of numbers?"

In 1979, Daniel Patrick Moynihan suggested an answer: "Strategic superiority is the power to make other people do what you want them to do."<sup>15</sup>

What the Soviets wanted the U.S. to do was negotiate, and negotiate we did: the fruit of those negotiations was SALT II, an agreement which amounted to a limitation on numbers of launchers, but not on killing power. The 308 SS-18s were not affected. The Soviets retained the prerogative to continue research and development of means to increase the number of warheads that could be carried by their superheavy counterforce weapon.

#### COUNTERVALUE AND COUNTERFORCE

The Carter Administration's answer was a pledge to deploy the MX missile, a highly accurate replacement for the Minuteman III, that, like the SS-18, would carry ten warheads. Unlike the Minuteman and like the SS-18, the MX would be a counterforce weapon, capable of destroying Soviet missiles in their silos.

The possibility that the United States may build the MX is of profound strategic importance. As a counterforce, missile-killing weapon, it represents a shift away from the Sixties-vintage theory of deterrence. Albert Wohlstetter, one of the earliest strategic thinkers, recognized that since the heart of deterrence was the implicit threat of a second strike, the theory required that the missiles of both sides be invulnerable. The SS-18 renders the U.S. Minuteman vulnerable—a development that causes deterrence in its original sense to collapse. Conceivably the MX could redress this imbalance. But what then?

Wohlstetter warned that it was impossible to insure missile invulnerability for all time. Missile components deteriorate with age, even as the enemy works constantly to achieve a new advantage. Thus there can be no final deterrent.

This is the realization we have arrived at today. Over the years, the United States has phased out obsolete ICBMs. The Minuteman II was a replacement for the older Titan II, and the Minuteman III was an update of the former. Now, however, we face an unprecedented situation, a pause in the evolution of nuclear weapons strategy. The Reagan Administration, like the Carter Administration, has been unable to find a politically acceptable MX basing mode that will be invulnerable to attack by the current generation of Soviet missiles and that can be rapidly constructed. Early on, the Administration ruled out Mr. Carter's plan of "multiple-point" basing throughout the deserts of Nevada and Utah, in which the missiles would be transported among 4,600 launch sites—a "shell game" that was universally criticized.

A subsequent proposal to site the MX in hardened Minuteman silos was abandoned in favor of a plan to locate it in superhardened silos in a "dense pack" configuration near Cheyenne, Wyoming. The "dense pack" proposed was announced by President Reagan late in November 1982. It would place 100 MX missiles in silos located no more than 2,000 feet apart, on the theory that attacking Soviet missiles would be neutralized by the first one that exploded, in phenomenon called "fratricide," that would protect the MXs that survived the first explosion.

As with the Carter "shell game" plan, "dense pack" encountered heavy criticism, not only from the anti-defense lobby, but from traditionally defense-minded organizations and individuals, including pro-defense conservatives in Congress. Their principal objection is not cost, which at an estimated \$35 billion throughout the decade, is considerable. Rather, the question is will it work? Will it insure "survivability" of the MX?

It is apparent, from the debate on the MX and its several basing plans, that the technology of ICBMs has surpassed developments in missile protection. The concept of the "superhardened" silo is something of an abstraction. There is no way of knowing how much protection for the MX would be required, or how much could be provided, in any on-the-ground basing mode, against a barrage of warheads launched by dozens of SS-18s. What is known, however, is that whatever basing mode is approved, the Soviets will immediately begin working to defeat it. On December 6, 1982, Soviet Defense Minister Dmitri F. Ustinov said exactly that: "If the present White House leadership . . . challenges us by starting MX missile development, the Soviet Union will deploy in response a new ICBM of the same class, and its characteristics will not be inferior to those of the MX missile in any way."<sup>16</sup> As Wohlstetter made clear, there can be no final deterrent.

There was, at one time, an attempt to avoid the competition in city-destroying "countervalue" nuclear weapons of the 1960s. As the implications of deterrence, and of Wohlstetter's insights became clear, he and other strategists recommended an antiballistic missile defense for the U.S. Minuteman.<sup>17</sup> Secretary McNamara, committed to deterrence, counseled against an ABM since one of the tenets of deterrence is that U.S. cities must remain vulnerable to attack, if the Soviets were to be assured that they could deter an American first strike by threatening reprisal against those cities. But McNamara did not win the ABM debate. On June 24, 1968, the Senate voted to deploy an

ABM system, the Sentinel. Three days later, the Soviets agreed to begin the arms limitation talks that led to SALT I, signed by President Nixon in Moscow on May 26, 1972. The centerpiece of SALT I was that neither side deploy an effective ABM defense. The dismantling of the single U.S. ABM site near Grand Forks, North Dakota was not reciprocated by the Soviets. In violation of SALT I, they continued research and development of ABM, violations of which were at times both clandestine and blatant.

The 1982 report of the Joint Chiefs of Staff reported publicly the U.S. intelligence community's suspicions that the Soviets had continued to work on an ABM system: "A new phased-array radar is being constructed near Moscow. This radar will probably serve in a battle management role for the upgraded Moscow (ABM) system, augmenting or possibly replacing existing (ABM radar) systems."

Today, however, the United States has no ABM defense for its cities. They remain open to Soviet attack, even as the Soviets have amassed a huge arsenal of superheavy weapons that could destroy the heart of the U.S. deterrent, the land-based ICBM, in an initial counterforce strike—and then attack our defenseless cities. Such is the legacy of deterrence, a strategic theory born of political science and sociology, but practiced from the first by only one side.

#### DEFENSE VERSUS OFFENSE

Furthermore, U.S. vulnerability is aggravated by the clumsy evolution our strategic policy is undergoing, from one of counterforce-deterrence to one of counterforce capability. In Presidential Directive 59, our strategists recognized that their Soviet counterparts were thinking about the unthinkable, and had been for years. A counterforce strategy, in which weapons and military installations, but not cities, would be attacked, represents the concept that nuclear war may be "winnable"—an idea foreign to deterrence. Moreover, the counterforce posture is a long-needed reorientation of our strategic policy towards defense, and a turning away from a contradictory policy of maintaining offensive nuclear weapons to enforce a policy which, while intended as defensive, always projected the impression that the U.S. strategy is identical to that of the Soviets.

This image of U.S. strategy, though unintended, contributes to the current political difficulties of strategic weapons programs. The confusion, misunderstanding, and apprehension of many Americans over the merits of deterrence have developed over the years and are shared by many strategic thinkers themselves. For example, Edward Luttwak, a conservative supporter of President Reagan's defense plan, wrote in August 1982 that "It was always clearly understood that if for some inexplicable reason the Soviet Union were to launch large numbers of intercontinental weapons upon our cities, then our own use of surviving nuclear weapons to destroy the Soviet population would serve no rational strategic purpose and no moral aim."<sup>18</sup>

Yet the inevitability of such a second strike was the foundation of deterrence. If deterrence was effective in preventing nuclear war, it was because, despite the platitudes about a desire for peace recited by U.S. political leaders over the years, the Soviet Union has been kept sufficiently uncertain as to how the United States would really react to nuclear attack.



A shift away from deterrence, in its original, abstract formulation, to a defensive counterforce posture, in which Soviet missile silos and other military sites, rather than cities, would be targeted, carries both benefits and risks. The benefits are, first, that because this policy is purely defensive, it is the only sensible and moral policy for the United States to have. Second, it demonstrates a seriousness of purpose about protecting national interests, and about the realities of nuclear war, that the Soviets have always understood. Should the MX be deployed in a basing mode that would afford protection from a Soviet attack to a number of missiles sufficient to destroy the Soviets' capacity to launch a third strike, then "deterrence" of a Soviet first strike would remain valid. This is the fundamental goal of the Reagan Administration in backing the MX program.

The risks of a counterforce policy are primarily political. Because a counterforce policy is a genuine warfighting strategy, it incites fervent domestic criticism, as demonstrated by opposition to the construction of the MX. Furthermore, because it is a military strategy, not a political theory, it rests on a sophisticated analysis of Soviet weapons capabilities and wartime probabilities, rather than on the stark and simplistic "eye for an eye" threat of mutually assured destruction. Thus, a counterforce policy is complex and more difficult to explain to the public. In a democracy, these political and educational problems, if mishandled or ignored, have the potential of turning into a powerful tidal wave of opposition, especially when the opposition is reinforced by Soviet agitation and propaganda. The nuclear "freeze" movement carries such a risk.

The Reagan Administration's handling of the shift in strategic policy that the MX implies has not been effective. One might argue that the Administration has not explained the policy at all. It has failed to respond to the change of the anti-defense lobby that the MX is but another terrifying weapon in an endless arms race. The real case for the MX, that it is a defensive weapon that represents a move away from the arms race of the Sixties and Seventies, has not been made. Moreover, the Administration is wrong to claim that real progress in strategic arms reduction talks will be helped along if the U.S. builds the MX. The American people saw the hope of "real progress" in arms talks dashed by SALT II and will not consent to new missiles as bargaining chips. The irony of arms control talks bearing fruit only if new weapons are built as a result of them is too overwhelming to persuade anyone, as the Carter Administration learned.

Even so, the political difficulties of the MX are not wholly the Administration's fault. The significance of the MX as a counterforce weapon derives from its sophisticated technology, which provides unprecedented hitting power against Soviet silos. To the naked eye of the layman, the MX appears no different from any other giant nuclear missile. Most Americans think of any conflict which involves the use of nuclear weapons as the holocaustic destruction of cities and civilians. The distinction between an anti-weapons strategy (counterforce), and mutually assured destruction (countervalue) is not readily apparent. Further, the MX is just as capable of being used against cities as against missile silos. Thus, it represents a shift away from the deterrence of the McNamara era, but not the clean break with it. The Reagan Administration seems

caught between two nuclear strategies, disavowing the old (in effect ratifying P.D. 59), but thus far failing to enunciate the new. Therefore it is perceived by both allies and enemies as having no broad, long-term strategy at all.

While a case can be made for building the MX as a counterforce weapon, large political and technological problems obstruct its deployment. Currently, it appears nearly impossible to achieve a domestic political consensus on new ICBMs in the United States (witness opposition of the conservative Mormon Church to basing the missile in Utah). No genuinely survivable, politically feasible basing mode has been found. As suggested earlier, the technology of nuclear missile attack seems to have outrun that of nuclear missile protection.

The USIC recognizes these realities. The Council believes that the United States must look beyond the technological and political battles over land-based strategic nuclear weapons to the newest realm of scientific, political and military competition—space.

#### HIGH FRONTIER: AN OPPORTUNITY

Ever since the launch of the Soviet Sputnik in 1957, it has been obvious that the Soviets recognized the vast strategic significance of space. Even now, they are striving mightily to achieve military mastery over it. Throughout the short history of space exploration, the United States has stressed peaceful scientific study, while the Soviets have pursued military advantages. They began in the Sixties, by testing a fractional orbital bombardment system, literally, bombs in orbit. Through the 1960s, both the Soviet Union and the United States, in response to the Soviet effort, conducted research on anti-satellite systems (ASATS), or "hunter-killer" satellites. The U.S. program, however, stagnated and was discontinued in the early Seventies. In February 1976, the Soviets resumed testing of their ASATS, shortly after a U.S. satellite was "blinded" by a mysterious beam of light over Siberia.

The Soviets today have an anti-satellite vehicle that can intercept target satellites on their first orbit. They have the capability to employ anti-satellite vehicles in less than strategic levels of conflict and are pursuing research and development programs to upgrade them.<sup>19</sup> More than 70 percent of U.S. military overseas communications are now routed by satellites. Since the United States is more dependent on satellites for communications, command, and control (C<sup>3</sup>) than the USSR, the U.S. is more vulnerable to severe C<sup>3</sup> breakdowns, should a Soviet ASATS prove to be effective during conflict or diplomatic crisis. As a result, President Ford authorized the resumption of U.S. research on ASAT just before leaving office in 1977. However, President Carter placed a cap on spending on the ASAT program in the expectation that limits on such research would be negotiated with the Soviets. The Reagan Administration, in turn, reversed this decision and assigned a high priority to protection of U.S. C<sup>3</sup> systems.

The mission of ASATS, then, is of vast political and military significance. The Soviets intend to use this weapon to put out the eyes and ears of U.S. surveillance and communications systems, not only in the event of war, but during severe political crises. The implications of this Soviet capability and of the Soviet space program in general overshadow many other defense issues.

The Soviet military space program goes beyond the ASATS. According to the Department of Defense, the Soviets have been

launching an average of 75 spacecraft per year, a pace four to five times that of the U.S. The annual payload placed into orbit by the Soviets has been approximately 660,000 pounds, or ten times that of the United States. It is estimated that 70 percent of this effort is the purely military purposes.<sup>20</sup> Moreover, Soviet research appears aimed at building a major war-fighting capability in space. A large space booster, which is thought to have six to seven times the launch weight capability of the U.S. Space Shuttle, is under development. Such a vehicle would be a huge step towards a major, permanently orbiting space station, manned by as many as 120 cosmonauts.<sup>21</sup> A space station would feature both offensive and defensive strategic weapons, including powerful advanced lasers and "particle-beam" weapons that transmit thermal energy. These not only would be aimed on U.S. satellites, as in ASATS, but also would have the capability of hitting targets on earth.

To counter the ambitious Soviet military space program, the United States has also made great strides in the research and development of space-based technology for defense. The Space Shuttle program is a great step towards meeting the Soviet challenge, as a "space plane" to monitor and inspect Soviet satellites. The Shuttle technology is a basis for future permanent U.S. space installations, and the Shuttle serves as a model for reusable space ferries that would transport men and material to and from such permanent outposts in space.

The potential of these diverse, complex, and expensive projects is as yet not fully appreciated by all sectors of the U.S. defense establishment. To the public, the concept of space as a theater of future warfare remains in the realm of science fiction. Yet, as technology forces us inevitably to confront the ultimate, critical necessity of advancing into space militarily in order to ensure our survival, the weapons and only partly-formed tactics of space conflict must be incorporated into the United States' overall national security strategy. Again, the fundamental nature of that strategy is defensive, not offensive.

The looming importance of space-oriented technology in the superpowers' order of battle gives the United States an unprecedented opportunity to redefine and re-explain, in the clearest possible way, the defensive intent of our overall military posture. That is because the technology of space, current and potential, enables the U.S. finally to break free of the long-term policy of threatening the Soviet populace with annihilation in response to a Soviet first strike. Instead, through a purely defensive array of weapons that would reach through space and actually operate in space, the U.S. would have the capability—through non-nuclear means—of preventing such a first strike from ever taking place, or short of that, to greatly limit the destruction it would cause.

This is the fundamental premise of High Frontier,<sup>22</sup> an approach to the strategic defense of the United States and our allies that offers a chance to go beyond the present competition in strategic nuclear weapons—a competition which saps the willingness of many Americans to support new expenditures for defense and which fails to ensure adequately our security in any event. High Frontier is a multi-faceted concept of U.S. exploitation of the "high frontier" of outer space that is only partly military. It envisions as well in the pursuit of space ex-

ploration a vast array of civilian commercial and scientific benefits.

The credit for the birth of High Frontier as a highly integrated strategic option for the United States belongs to Lt. Gen. Daniel O. Graham, U.S.A. (Ret.). Gen. Graham, who formerly served as director of the Defense Intelligence Agency, recognized in the late 1970s that the nuclear deterrence in the McNamara sense was doomed to both political and military failure. He saw that the fundamental contradiction of an ostensibly defensive strategy utilizing offensive weapons (ICBMs) would become untenable in the face of (1) growing disillusionment with the "arms race"; (2) the rundown in the U.S. defense infrastructure vis-a-vis the Soviets; and, most importantly, (3) the unwillingness of the Soviets to abide by the central presumption of deterrence: that both sides refrain from targeting each other's missiles.

A central theme of High Frontier is that the basic technology needed to defend the United States from Soviet nuclear attack already exists.<sup>23</sup> No spectacular scientific breakthrough would be required—only the time, funding and bureaucratic effort necessary to develop the requisite space vehicles which would feature weapons, radars, and other systems that grow out of today's technology. The virtues of High Frontier are that it is both straightforwardly devoted to defense (destroying enemy missiles) and fully compatible with the longtime U.S. posture of countering Soviet advantages in mass and numbers with technological sophistication (referred to on page 7). As Gen. Graham explains: "A bold and rapid entry into space, if announced and initiated now, would end-run the Soviets in the eyes of the world and move the contest into a new arena where we could exploit the technological advantages we hold." In stressing the defensive nature of High Frontier, he adds that "This is far preferable to pursuing a numbers contest here on earth, which will be difficult if not impossible for us to win."<sup>24</sup>

The elements of High Frontier needed to ensure the defense of the United States, are three:

(1) A quickly deployable point defense for U.S. ICBM silos which could destroy incoming Soviet warheads. Such a system would be a version of the Sentinel and Safeguard ABM, originally intended for just that purpose. This point defense system would rely on a large number of small conventional projectiles fired at enemy warheads close to their targets.

(2) A first-generation spaceborne missile defense, which would employ current "off-the-shelf" technology to destroy Soviet missiles upon launch, including theater nuclear weapons such as the SS-20. Such a system would be capable of defending itself and other C<sup>3</sup> satellites from attack.

(3) A second generation space defense able to destroy enemy targets anywhere in space or on earth, using advanced lasers and/or particle beams.

In addition, High Frontier calls for a utilitarian space vehicle capable of inspection, repair, and maintenance of orbiting both C<sup>3</sup> and defense satellites and other space vehicles; and a workable civil defense program implemented in the United States.<sup>25</sup>

As noted, the first requirement of a point defense against incoming enemy missiles exploits the ABM technology of the early seventies and since the dismantling of the U.S. ABM program. High Frontier projects 2-3 years for such a system to be deployed. The first- and second-generation active space de-

fense vehicles would take advantages of existing satellite and Space Shuttle technology and is envisioned to be deployable within twelve years.

High Frontier is not an obscure scientific theory, nor a program of the defense and aerospace industries that stand to benefit from its adoption. It is not a radical restructuring of American defense policy—basic research in all of its features has been conducted by the Department of Defense for years.

Instead, it is a new perspective on the requirements of national defense and the potential of science: a blend of highly sophisticated space technology with the critical need to reorient our national security policy away from the politically intractable and strategically unsound posture countervalue-deterrence, toward a clearly defined, straightforward, and politically acceptable stand on defense. Adoption of High Frontier as our approach to strategic policy is not abandonment of the desire to "deter" Soviet attack. It is deterrence on the basis of our ability to actively protect our cities, our industries, and our military installations rather than on a threat to destroy Soviet cities in exchange for our own. High Frontier is a move away from deterrence through mutually assured destruction. It is deterrence based on the ability to ensure the futility of attack.

#### PROCUREMENT FOR DEFENSE

The momentous decisions of military strategy facing the United States today are underlined by a host of other, less theoretical, but no less urgent, problems. These can be summed up in the question: How does the U.S. address its national security requirements in an era of economic difficulty and budgetary austerity? It is clear that, despite the ominous and growing Soviet threat, the warring interest groups that seek a growing share of the federal budget will not miraculously unite to support needed expenditures for defense. In order to make their case most persuasive, therefore, the Defense Department and the Administration must make the absolute best use of the authorized appropriations for defense. In order to restore the credibility of our defenses by building the essential weapons and conducting the essential research, the DOD, the Administration, and the relevant Congressional committees must look hard at the less critical elements of the defense budget. These include, first and foremost, procurement and personnel.

The general problem of excessive costs in weapons procurement has already been referred to in this paper. Department of Defense acquisition practices, procurement regulations, procurement methods, procurement policies, and procurement procedures adversely affect our military posture and our military readiness.

Our country's defense needs a free enterprise-oriented Defense Department capable of effecting the following goals:

- (a) To affect economic efficiency
- (b) To stabilize Defense procurement
- (c) To affect strategic responsiveness
- (d) To encourage competition
- (e) To double source procurement
- (f) To affect Defense planning through multiyear procurement
- (g) To enforce planned production rates
- (h) To manage materiel required for operational readiness and war
- (i) To maintain effective materiel maintenance management in support of "trigger" readiness

Our defense preparedness and our military "trigger" readiness will experience a quantum jump improvement of our Defense programs' specifications require the contractors to provide five-year warranties on all military systems and military materiel. Procurement of services, particularly of operations and maintenance services as they relate to materiel readiness, is another source of needless costs and waste. In the current system of operations and maintenance service procurement, technical competence takes a back seat to low price. The short-term effect of this procurement system is a third-rate, inadequate product which the fighting man is required to accept with no questions asked. The long-term effect is the degradation of materiel worth billions and an inadequate state of materiel readiness that directly affects our national security. Inflexible budget restrictions in this unglamorous but critically important area of procurement—a "penny-wise, pound-foolish" approach—has led to technically inferior operations and maintenance services.

Much of this problem could easily be solved. The armed services should have the authority to procure, through preferential purchasing power, the creativity and innovation needed to solve operations and maintenance problems that adversely affect readiness, in lieu of the mandatory low-bid procurement practices now in effect. This change not only could solve service materiel problems that affect readiness, but also could produce order-of-magnitude cost reductions and life-cycle savings. Procurement of top-quality operation and maintenance services, even at higher costs, would save billions and achieve "trigger readiness," which is the readiness our fighting forces need in order to win and survive.<sup>26</sup>

#### OUR DEFENSE BASE

The future of American shipbuilding, of the American merchant fleet, and of the American shipyard defense mobilization base cannot surpass ten more years if the present U.S. maritime policy is not restructured to benefit these United States.

According to Edward J. Campbell, Chairman of the Shipbuilders Council of America and President and C.E.O. of Newport News Shipbuilding, "it would be encouraging to be able to report that the Administration's 'policy,' announced in 1982, will assure the resurrection of our merchant fleet. It will not! Not a single merchant vessel will be constructed or converted in U.S. shipyards as a result of this policy. In fact, it will instead encourage U.S. shipowners to use their profits to finance construction or acquisition of foreign-built ships."<sup>27</sup>

Furthermore, in order to ensure the defense of the United States, the Defense Department should restrict its sources of weapons systems to American firms. Our defense cannot be dependent on a foreign mobilization base. Our friend or ally today could plead neutrality or side with our enemy in time of war.

Our industrial defense mobilization base is thin and weak. Our Defense Department does not maintain the following essentials:

- (a) Lower tier defense suppliers for critical parts and material
- (b) A skilled labor base
- (c) An advance production base
- (d) An exotic raw material supply base

There is an urgent requirement to correct these problems and deficiencies by forcing changes into our defense programs. The onus for this change is on the Administra-



tion, and it must be supported by the Congress.

#### PERSONNEL AND PENSIONS

The issue of personnel costs also comes to the fore when defense priorities come under hard scrutiny. The need for adequate manpower at affordable costs is an extremely sensitive national question. The military draft gave way to the all-volunteer Army in 1972—part of the bitter legacy of the Vietnam experience. Since then, the all-volunteer concept has received mixed reviews. Yet it is the extent of U.S. military commitments, rather than the quality of the troops attracted to military service, that poses the future challenge. Of the 2.1 million Americans in uniform, some 528,000 are serving in 129 countries and aboard ship. Over the next five years the armed services plan to increase active duty forces by 9-10 percent.<sup>28</sup>

At the same time, it is estimated that number of 18-year-old American males will fall from 2.2 million to 1.7 million by 1990. Higher manpower requirements and a smaller pool to draw on will make recruiting far more difficult. Nineteen eighty-two was the best recruiting year ever for the services, due to economic recession and substantial increases in military pay and benefits enacted in 1980 and 1981. But continual increases to attract personnel will be difficult to justify. Military pay became competitive with the private sector in 1972 and since then has exceeded it in many areas. The question of whether the nation will be forced to return to the draft is one that is destined to arise again. It is an extremely complex question, involving economic as well as military considerations. The drafting of young men into the military imposes an economic cost, in that their economic productivity is lost to the nation while they serve. Still, the USIC believes that national security considerations should take precedence.

However, there is no question but that one benefit of military services—the military pension system—must be reformed. Some 55 percent of the military payroll, or \$16 billion in fiscal year 1983<sup>29</sup> is devoted to pensions. There are a host of costs, in terms of both economics and military readiness, associated with this overgenerous system. The attractiveness of the pension system encourages skilled military personnel to leave the service when they are most valuable, to seek private employment while eligible for military retirement pay. The military pension program comes directly out of annual appropriations for defense; there is no budgeting of future pensions costs.

The Reagan Administration intends to propose limitations on annual cost-of-living adjustments for retirees whose retirement pay is greater than that of similar personnel retiring under other federal pay scales. In addition, the Administration plans to propose that the defense budget include the cost of pensions being earned by personnel on active or reserve duty. Currently, the budget includes only the pensions being paid to personnel who have already retired.<sup>30</sup>

#### CONCLUSION: RECOMMENDATIONS FOR ACTION

This White Paper is an explanation of the beliefs of the American businessmen who compose the United States Industrial Council regarding our national security needs. The USIC staunchly supports President Reagan's five-year plan to increase America's defense capabilities. This White Paper examines the state of our military prepared-

ness, and makes recommendations intended to improve it. First and foremost, it describes the evolution of the Soviet Union's armed forces into a military machine that in many areas is now the equal of our own, and in others actually outclasses our forces. Soviet military power is currently on display in Afghanistan, exacting a cruel and bloody toll on an innocent population. However, as this White Paper explains, Soviet forces are an effective tool of Soviet policy even without being used. The ominous reality of a giant war machine is an invaluable diplomatic weapon. Soviet bluster and bullying in the United Nations and other international forums, and the Soviets' vast propaganda and disinformation operations are founded on the USSR's power to wreak destruction on any nation on earth—except the United States.

The U.S. must remain the bulwark of freedom and defense against Soviet aggression—both blatant and subtle. This White Paper features recommendations on how the United States can continue in that vital mission. These include:

- (1) The U.S. must augment and improve its conventional and strategic forces;
- (2) Protect our sources of strategic minerals in the Third World;
- (3) Develop a non-nuclear space defense capability as an eventual alternative to land-based ICBMs;
- (4) Institute additional safeguards against the transfer of military-applicable technology and hardware to the Soviet bloc;
- (5) Provide the armed forces the authority to award procurement contracts for material and services to the best performer;
- (6) Restrict critical military contracts to U.S. firms;
- (7) Rebuild our shipyard/defense mobilization base;
- (8) Reexamine the performance of the all-volunteer force in light of the dwindling manpower pool and budgetary restraints on recruiting and retention;
- (9) Reform the military pension system in order to reduce its cost.

These recommendations are broad. They deserve further study. Some of them have already been considered, and undertaken, by the Reagan Administration. Others should be seriously discussed and debated by the Administration and Congress. Our goal in proposing them, however, should not be subject to debate: that it falls to the United States to safeguard the liberties and the heritage of the free world. This is our responsibility. We cannot ignore it; we cannot shrink from it.

#### FOOTNOTES

- <sup>1</sup> *Soviet Military Power* (Dept. of Defense) n.d. 1981, pp. 27-40, 47.
- <sup>2</sup> Force Summary, U.S. Navy and Marine Corps, "Proceedings of the U.S. Naval Institute (May, 1982) pp. 217-219.
- <sup>3</sup> *Budget of the U.S. Government, Fiscal Year 1984* (U.S. Government Printing Office) p. 5-11.
- <sup>4</sup> *Proceedings* (May 1982), pp. 217-219.
- <sup>5</sup> *Soviet Military Power*, pp. 31, 60.
- <sup>6</sup> *Budget, FY84*, pp. 5-9.
- <sup>7</sup> *Soviet Military Power*, pp. 53-60.
- <sup>8</sup> *Budget, FY84*, p. 5-13.
- <sup>9</sup> *Soviet Military Power*, p. 88.
- <sup>10</sup> *Budget, FY83*, p. 3-16.
- <sup>11</sup> Leslie H. Gelb, "Weinberger Sees Flexibility in Military Spending," *New York Times*, April 20, 1981.
- <sup>12</sup> Daniel P. Moynihan, "The SALT Process," from *The New Yorker* quoted in *Congressional Record*, August 6, 1980, p. S10967.
- <sup>13</sup> Moynihan, p. S10967.
- <sup>14</sup> Richard Burt, "Carter Said to Back a Plan for Limiting Any Nuclear War," *New York Times*, Aug. 6, 1980, and Michael Getler, "Carter Directive

Modifies Strategy for a Nuclear War," *Washington Post*, Aug. 6, 1980.

- <sup>15</sup> Moynihan, p. S10973.
- <sup>16</sup> Serge Schmemmann, "Soviet Says It Would Build Missile to Match MX," *New York Times*, Dec. 7, 1982.
- <sup>17</sup> Moynihan, p. S10968.
- <sup>18</sup> Edward Luttwak, "How to Think About Nuclear War," *Commentary* (Aug., 1982), p. 27.
- <sup>19</sup> Francis X. Kane, "Anti-Satellite Systems and U.S. Options," *Strategic Review* (Winter 1982), p. 59.
- <sup>20</sup> *Soviet Military Power*, p. 79.
- <sup>21</sup> "The New Military Race in Space," *Business Week*, (June 4, 1979), p. 142.
- <sup>22</sup> Lt. Gen. Daniel O. Graham USA (Ret.), *High Frontier: A New National Strategy* (High Frontier, Washington, D.C.), p. 1.
- <sup>23</sup> Graham, p. 7.
- <sup>24</sup> Graham, p. 3.
- <sup>25</sup> Graham, p. 7.
- <sup>26</sup> Tad Stanwick, "The Fleet Readiness Problem," The Stanwick Corp., (unpublished letter, July 20, 1982).
- <sup>27</sup> Edward J. Campbell, *Leaders*, Jan.-Feb.-Mar. 1983, p. S2.
- <sup>28</sup> Council of Economic Advisers, *Annual Report*, February 1982, p. 87.
- <sup>29</sup> Budget, FY 84, p. 5-8.
- <sup>30</sup> Budget, FY 84, p. 5-14.●

#### UTAH'S "GRAND CIRCLE OF THE SOUTHWEST" AN UNFORGETTABLE ADVENTURE

● Mr. HATCH. Mr. President, I would like to take a minute to share with you the wonderful opportunity for an unforgettable adventure that Utah has to offer. I will not detract from the "Greatest Snow on Earth" offered by the Wasatch Mountains in Utah or the other wonderful opportunities there, but that is only the tip of the adventure iceberg.

This last year I was presented with a serious problem in the southern part of my State. The road from southern Utah to the north rim of the Grand Canyon was not scheduled to open until July 1. I investigated, and we got the road open by Memorial Day. In the course of this investigation I found disappointed visitors from 41 States and 13 foreign countries who had come to see this great wonder of the world and were prevented from doing so. But I found much, much more; and I have worked to be certain that the wonderful adventure of a lifetime to be found in southern Utah can be better understood and enjoyed by more citizens of our country and, indeed, the world. On this 900-mile circle, referred to as the "Grand Circle of the Southwest," can be found 7 national parks—approximately 20 percent of all national parks—including the Grand Canyon in Arizona, 6 national monuments, 1 national recreational area, 19 State parks, and 1 tribal park and historical monument.

All of these natural wonders can be visited in the comfort and convenience of your own car on self-guided tours or, if you wish, in motor coaches, on modern paved highways—an adventure unmatched anywhere in the world.

While, naturally, I would suggest that you come to Salt Lake City to

start your adventure, you can join the grand circle of the Southwest from any of five major U.S. highways or from the Interstate System along its route. Las Vegas, Phoenix, and Denver are all portal cities. The entire grand circle of the Southwest is designed to be covered in as little as 7 days or you can take as long as you wish. Several days could easily and enjoyably be spent at each of the areas described.

The Grand Canyon needs no introduction. Internationally and nationally it is recognized as one of the wonders of the world. To those who wish, they may ride the raging Colorado River on an unforgettable raft trip or ride to the bottom of the canyon on mules. Of course, part of this grand adventure can be a flight by a fixed-wing aircraft or by helicopters over and through the Grand Canyon; The Grand Canyon alone is an adventure in and of itself—an adventure never to be forgotten.

Lake Powell, featured on the cover of United Airlines March issue of United Magazine, has more shoreline than the United States has on the Pacific Ocean. It is, in reality, another spectacular "Grand Canyon," coupled with a different perspective and with the added dimension of water and water experiences. Houseboats. Swimming and water sports in the shadow of spectacular beauty. Again, an adventure in and of itself. An adventure never to be forgotten.

Navajo National Monument.  
Monument Valley.  
Valley of the Gods.  
Hovenweep National Monument.  
Natural Bridges Monument.  
News Paper Rock Historical Monument.  
Canyonlands National Park.  
Dead Horse Point State Park.  
Arches National Park.  
Goblin Valley State Reserve.  
Capitol Reef National Park.  
Bryce Canyon National Park.  
Cedar Breaks National Monument.  
Zion National Park.  
Glen Canyon National Recreation Area.

Rainbow Bridge National Monument, and more.

Volumes can, and have been, written about the awe-inspiring beauty and unforgettable adventure to be realized at each of these fascinating sites.

You will also find on your adventure around the grand circle of the Southwest modern motels, restaurants, and other facilities with folks eager to help you. Or you may wish to camp at many of the improved or wilderness sites around the "Circle." Friendly fellow adventurers will add to your enjoyment of these natural wonders.

I would urge all Americans and our international visitors to take advantage of the marvelous opportunity to visit the grand circle of the Southwest and to share this joy with millions

who have already participated in this adventure and who each year come back for more.●

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. HECHT). Is there further morning business? If not, morning business is closed.

#### INTERNATIONAL TRADE AND INVESTMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 144, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 144) to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

The Senate resumed consideration of the bill.

#### AMENDMENT NO. 522

The PRESIDING OFFICER. Under the previous order, the pending question is amendment No. 522 offered by the Senator from Wisconsin (Mr. KASTEN).

Mr. BAKER. Mr. President, if I may have recognition for a moment, for a variety of reasons that I have discussed with the distinguished author of the pending question and the chairman of the Finance Committee and now briefly with the minority leader, in a moment, I am going to yield to the distinguished Senator from Wisconsin for two purposes: one, to offer a cloture motion against further debate on the amendment and, second, so that he may ask unanimous consent to add cosponsors to his amendment.

After that is done, Mr. President, it is my intention to ask the Senate immediately to go into a further period for the transaction of routine morning business.

So that Senators who are not in the Chamber will fully understand what is going on and so everyone is aware of the circumstances, there is considerable maneuvering going on now in respect to the amendment, possible modifications of the amendment, possible amendments to the amendment, and the like.

The course of action that I have just outlined will permit the filing of the cloture motion and the adding of cosponsors but no further action of any sort will be taken on the amendment until Monday.

On Monday, the amendment of the Senator from Wisconsin will recur as the pending question before the Senate when we resume consideration of this matter.

That is my purpose, Mr. President, and now I yield to the Senator from

Wisconsin for the two purposes just described.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. I thank the majority leader for yielding.

Mr. President, first of all, I ask unanimous consent that the following additional Senators be added as cosponsors of my amendment: Senator McCURE, Senator TOWER, Senator SYMMS, Senator PROXMIER, Senator KASSEBAUM, Senator HAWKINS, Senator HUDDLESTON, Senator JEPSEN, Senator TSONGAS, Senator COCHRAN, Senator STENNIS, Senator JOHNSTON, Senator WILSON, Senator PRESSLER, Senator WARNER, Senator QUAYLE, Senator ZORINSKY, Senator PERCY, Senator MITCHELL, Senator THURMOND, Senator MOYNIHAN, and Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, this list would be added then to the 21 cosponsors that have been previously listed who are as follows: Senator HELMS, Senator BOREN, Senator HEFLIN, Senator MATTINGLY, Senator RANDOLPH, Senator EAST, Senator GLENN, Senator FORD, Senator NUNN, Senator DENTON, Senator NICKLES, Senator BAUCUS, Senator HOLLINGS, Senator MURKOWSKI, Senator HUMPHREY, Senator DECONCINI, Senator EXON, Senator MELCHER, Senator D'AMATO, Senator PRYOR, and Senator GOLDWATER.

Mr. BYRD. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment. I previously introduced legislation to carry out the purposes of this amendment. And I also ask unanimous consent that my name be added as one of those on the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

Mr. KASTEN. Mr. President, I send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the Kasten amendment No. 522 to S. 144.

Bob Kasten, William Proxmire, Paula Hawkins, David L. Boren, John P. East, Jesse Helms, Wendell H. Ford, Walter D. Huddleston, Steven D. Symms, J. Bennett Johnston, Ernest F. Hollings, John Melcher, Nancy Landon Kassebaum, David H. Pryor, Orrin G. Hatch, Don Nickles, J. James Exon, Jeremiah Denton, Jennings Randolph, Thad Cochran and Mr. Byrd.



Mr. BAKER. Mr. President, the effect of this motion, of course, will be to produce the vote 1 hour after we convene on Tuesday next after the establishment of a quorum unless that time is changed by unanimous consent.

Between now and Tuesday, I will explore with the minority leader and other Senators whether we should assign a different time for that vote and, of course, with the author of the amendment and the chairman of the Finance Committee.

But as of this time, it will occur 1 hour after the Senate convenes on Tuesday.

#### ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a further period for the transaction of routine morning business to extend not past the hour of 3 p.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, we are now in morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Very well.

Senators should know there will be no votes today and this matter will not recur as the pending business today.

I yield the floor.

#### THE CALENDAR

Mr. BAKER. Mr. President, there are a couple of items that appear to be cleared for action by unanimous consent on my calendar. May I inquire of the minority leader if he is in a position to proceed to consideration of Calendar Order Nos. 88 and 89 at this time?

Mr. BYRD. Mr. President, in response to the distinguished majority leader, I am pleased to state that Senators on this side of the aisle have cleared these two items for action.

Mr. BAKER. I thank the Senator.

#### OBLIGATIONS OF THE GOVERNMENT OF THE SOVIET UNION WITH RESPECT TO HUMAN RIGHTS

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate at this time Calendar Order No. 88 (S. Con. Res. 11).

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 11) expressing the sense of the Congress concerning the obligations of the Government of the Soviet Union under international law with respect to human rights.

Mr. PERCY. Mr. President, I am pleased to be a cosponsor of Senate

Concurrent Resolution 11, and I urge my colleagues to support the resolution as well. This resolution urges the President to take every opportunity to raise the plight of Soviet Jewry with Soviet officials. At a time when the emigration of Soviet Jews has been severely restricted by the Soviet Government, it is vital that the U.S. Government—through the executive and legislative branches—keep attention on the issue. Our concern for Soviet Jews and for their right to emigrate is unyielding.

Recently, members of our Foreign Relations Committee staff were in the Soviet Union to help prepare for hearings on Soviet-American relations which the committee will hold this year. In Moscow, they visited a Jewish family who have been denied emigration for many years, and in Leningrad, they visited the Synagogue and talked with some of the congregants. Just yesterday, we received two large packages of matzoh which had been given to the staff members by the congregants in appreciation of our strong support for Jewish cultural and religious rights in the Soviet Union and for the right of free emigration.

In the United States, many groups work diligently and well to achieve better treatment of, and free emigration for, Soviet Jews. Among them are the National Conference on Soviet Jewry, the Union of Councils for Soviet Jews, the Student Struggle for Soviet Jewry, Chicago Action for Soviet Jewry, the Chicago Conference on Soviet Jewry, and many others, all of which deserve our commendation on this occasion.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 11) was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

#### S. CON. RES. 11

Whereas the Government of the Soviet Union is pursuing a policy of virtually closing its borders to Jewish emigration, as evidenced by declining emigration levels which for 1982 were the lowest since 1970, with only two thousands six hundred and eighty-eight Soviet Jews allowed to emigrate;

Whereas this policy has left tens of thousands of people seeking to emigrate from the Soviet Union with little hope of being granted permission to emigrate in the foreseeable future;

Whereas there are several hundred long-term "refuseniks", including many children, who applied to emigrate from the Soviet Union between 1970 and 1976 and have been waiting for permission to emigrate since that time;

Whereas those who have been denied emigration rights, especially the long-term "refuseniks", are often subjected to a life as internal refugees in the Soviet Union, resulting in loss of jobs, loss of membership in important social and professional organizations, revocation, of academic degrees, sur-

veillance and arbitrary assault, and other forms of harassment of social isolation;

Whereas these individuals also suffer physical, emotional, and psychological problems which result from social isolation;

Whereas these individuals are also denied the right to cultural expression, evidenced by the breaking up of cultural seminars and Hebrew classes and harassment by Soviet officials of those individuals participating in those forms of cultural expression;

Whereas these individuals are subjected to arbitrary arrest, imprisonment, and internal exile, as is the case with the Jewish "Prisoners of Conscience" currently serving sentences in the Soviet Union;

Whereas it is the stated policy of United States law, including section 502B(a)(1) of the Foreign Assistance Act of 1961 and section 402 of the Trade Act of 1974, that human rights considerations are a vital element of United States foreign policy; and

Whereas the Government of the Soviet Union, by arbitrarily denying its citizens the right to emigrate and the right to religious and cultural expression, and by harassing members of a specific ethnic group, is violating the norms of international law as set forth in agreements and declarations such as the Final Act of the Conference on Security and Cooperation in Europe (hereafter in this concurrent resolution referred to as the "Helsinki Final Act"), the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Labor Organization Convention Concerning Employment Policy, and the UNESCO Convention Against Discrimination in Education: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the Government of the Soviet Union should fulfill obligations undertaken in the Helsinki Final Act, the Universal Declaration of Human Rights, and other international agreements relating to human rights, by pursuing a more humane emigration policy and ceasing harassment of Jews and others seeking to emigrate;

(2) the fulfillment by the Government of the Soviet Union of its obligations with respect to internationally recognized emigration rights would significantly promote improved relations between the United States and the Soviet Union;

(3) the President or his representatives should convey to the Government of the Soviet Union the concerns of the Congress expressed in this concurrent resolution at every appropriate opportunity, including—

(A) at such time as agreements are negotiated between the United States and the Soviet Union in the areas of trade, commerce, including grain sales, and science and technology exchange; and

(B) at such time as the President or his representatives meet with leaders of the Soviet Union concerning other aspects of relations between the two countries; and

(4) the President or his representatives should also convey these concerns of the Congress to the governments of allies of the United States and urge the cooperation of those governments in efforts to promote emigration from the Soviet Union.

Sec. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he transmit such copy to the Chairman of the Presidium of the Supreme Soviet of the Soviet Union.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the Senate concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### THE 150TH ANNIVERSARY OF THE OPENING OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND THAILAND

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 89 (S. Con. Res. 19).

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 19) expressing the sense of the Congress on the occasion of the one hundred and fiftieth anniversary of the opening of diplomatic relations between the United States and Thailand.

Mr. PERCY. Mr. President, today the Senate considers a resolution, Senate Concurrent Resolution 19, expressing the sense of the Congress on the occasion of the 150th anniversary of the opening of diplomatic relations between the United States and Thailand. The resolution has a distinguished bipartisan group of cosponsors and was reported favorably by the Foreign Relations Committee.

It is fitting that the Congress acknowledge our close friendly relations with this Southeast Asian ally, particularly at this time of crisis caused by Vietnam's aggressive attacks against civilian refugees along the Thai-Kampuchean border, and its armed incursions into Thai territory.

At the same time, Thailand and the other members of the Association of Southeast Asian Nations (ASEAN) face a new danger from a different quarter. Press reports of the recent tour of the region by a Soviet vice foreign minister have disclosed that the U.S.S.R. envoy warned Thailand and other ASEAN states that if they do not change their policy toward Vietnam and recognize the Vietnamese domination of Kampuchea, Vietnam would retaliate by fostering armed insurgencies throughout the region.

Thailand and the other ASEAN members have spoken out strongly against Vietnam's attack along the Thai-Kampuchean border; and the Soviet diplomat's remarks have been sharply repudiated by Government and press comment in Bangkok and throughout the region.

While joining in condemning the Vietnamese and Soviet provocations, I ask my colleagues to be aware of the tragic human dimension of this conflict—innocent Kampuchean refugees

have borne the brunt of the Vietnamese military attacks. I applaud the prompt efforts by the Royal Thai Government, the Thai people, and international organizations to render humanitarian assistance to the unfortunate victims, and I commend our own Government for moving quickly to provide needed humanitarian assistance, as well as military support for our ally in need.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The concurrent resolution (S. Con. Res. 19) was considered and agreed to. The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

#### S. CON. RES. 19

Whereas March 20, 1983, marks the one hundred and fiftieth anniversary of the signing of the Treaty of Amity and Commerce between the United States and the Kingdom of Thailand, formerly named Siam;

Whereas this treaty marked the opening of formal diplomatic relations between the two countries and was the first treaty concluded between the United States and an Asian nation;

Whereas the United States and Thailand, during the past one hundred and fifty years, have developed a close, friendly, and cooperative relationship to the benefit of their nations and peoples; and

Whereas the people of the United States and the people of Thailand share a strong and abiding attachment to the ideals of individual freedom and national independence: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the Congress hereby recognizes the one hundred and fiftieth anniversary of the establishment of relations between the United States and Thailand.*

SEC. 2. The Congress extends warm congratulations to His Majesty the King of Thailand and to the Thai people on this historic occasion, together with the best wishes for long continuation of the warm and cordial relations which bind our two peoples.

SEC. 3. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President of the United States with the request that the President transmit such copy to the Government of the Kingdom of Thailand.

#### JOINT REFERRAL OF SENATE RESOLUTION 95

Mr. BAKER. Mr. President, I have two requests that appear to be cleared by the minority leader and other Senators. Let me state them now for his consideration.

First, Mr. President, I ask unanimous consent that Senate Resolution 95, a resolution which expresses the sense of the Senate that the President should initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union, be jointly referred to the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JEWISH HERITAGE WEEK

Mr. BAKER. I have one other matter, Mr. President.

I say to the minority leader that I have here a clearance on our side to consider House Joint Resolution 80, which I believe is a message from the House of Representatives on Jewish Heritage Week. I would propose to proceed to the consideration of that at this time.

Mr. BYRD. Mr. President, the matter has likewise been cleared on this side.

Mr. BAKER. I thank the Senator.

Mr. President, I ask unanimous consent to proceed to the consideration of House Joint Resolution 80, a resolution designating April 17 through April 24, 1983, as "Jewish Heritage Week," which is at the desk.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 80) to authorize and request the President to issue a proclamation designating April 17 through April 24, 1983 as Jewish Heritage Week.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 80) was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, on April 13, 1983, Senate Joint Resolution 79, a similar resolution, was passed, I believe, by the Senate. I ask unanimous consent that that action by the Senate on Senate Joint Resolution 79 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that Senate Joint Resolution 79 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MARJORIE GUTHRIE

Mr. METZENBAUM. Mr. President, it is with great sadness that I take this opportunity to pay tribute to a fine lady and a wonderful human being, Marjorie Guthrie, who died of cancer on March 13, 1983. I am proud—and very fortunate—to have had the opportunity to know Marjorie Guthrie, and to experience first-hand her kindness, her bravery, and her compassion.



ate dedication to improving the lives of people.

From 1967—the year Huntington's disease took the life of her husband Woody Guthrie—until her final days, Marjorie Guthrie dedicated her life to creating a public awareness of this hereditary, debilitating neurological disorder. She founded and for 15 years directed the Committee to Combat Huntington's Disease, a group dedicated to promoting research on the disease, assisting families afflicted by Huntington's chorea, and promoting an understanding of the disease worldwide. She traveled across the globe to meet with international health professionals while she served as chairperson of the Congressional Commission for Control of Huntington's Disease and its Consequences. She was a member of the World Federation of Neurology Commission on Huntington's Choreia, the Society for Neurosciences, the National Organization for Rare Disorders, the New York State Commission on Health Education and Illness Prevention, the Advisory Council of the National Institute of General Medical Science, and the National Committee for Research in Neurologic and Communicative Disorders.

Marjorie Guthrie was a gutsy, determined person who fought the battle against Huntington's disease across the country. Nearly a fourth of her lifetime was dedicated to leading the crusade against all genetic diseases, and for an overall improvement in our Nation's health.

I cannot say enough about the courage and selfless dedication of this remarkable human being. I was fortunate to have known Marjorie Guthrie, and we were all fortunate that she was with us for 67 years. It is an honor for me to bring her achievements and the beauty of her life to the attention of my colleagues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATTINGLY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORITY FOR CERTAIN ACTION DURING ADJOURNMENT

Mr. BAKER. Mr. President, in view of the fact that it appears that the Senate will go out shortly, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the President and the House during the adjournment of the Senate until Monday, April 18, and that such messages be appropriately referred.

I further ask unanimous consent that during the adjournment of the Senate until Monday, April 18, the Vice President and the President pro tempore be authorized to sign duly enrolled bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

Mr. BAKER. Mr. President, I say to the minority leader that there are three items on today's Executive Calendar that appear to be cleared for action by unanimous consent. I refer to the three nominations under "New Reports," being Calendar Nos. 70, 71, and 72.

I wonder whether the minority leader is prepared to proceed to the consideration of all or any of those matters.

Mr. BYRD. Mr. President, the three calendar orders referred to by the majority leader have been cleared on this side.

Mr. BAKER. I thank the Senator.

Mr. President, in view of that, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the three nominations so identified, which are as follows: Office of the U.S. Trade Representative, Robert Emmet Lighthizer, of Maryland, to be a Deputy U.S. Trade Representative; National Labor Relations Board, Patricia Diaz Dennis, of California, to be a member of the National Labor Relations Board; and National Science Foundation, Edward A. Knapp, of New Mexico, to be Director of the National Science Foundation.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

#### OFFICE OF THE U.S. TRADE REPRESENTATIVE

The assistant legislative clerk read the nomination of Robert Emmet Lighthizer, of Maryland, to be a Deputy U.S. Trade Representative, with the rank of Ambassador.

Mr. DOLE. Mr. President, it is with great pleasure—but also with some regret—that I report the recommendation of the Committee on Finance that the Senate confirm the nomination of Robert E. Lighthizer to be Deputy U.S. Trade Representative.

Most Senators know Bob well from his service these past 4 years first as minority staff director, and then as chief counsel and staff director of the Finance Committee. Under his stewardship, the staff has provided superb service to not only committee members, but to all members of the Senate. The Trade Agreements Act of 1979, the Economic Recovery Tax Act of

1981, and the Tax Equity and Fiscal Responsibility Act of 1982 are but three examples of the major efforts undertaken by the committee during Bob's tenure. The successful completion of work on these programs is due in no small part to Bob's yeoman efforts.

Last December, Congress authorized the U.S. Trade Representative's Office to create a third deputy's position. Members of our committee and others were particularly concerned that agricultural trade matters be given higher priority in the formulation of trade policy. I am pleased that these matters will be reflected in Bob's new duties. His experience here will provide a strong voice in the executive branch to represent well congressional and private sector interests in trade policymaking, particularly in the agricultural area.

Thus, although I personally regret Bob's departure and also the Senate's loss of his talent, I can only be pleased that he will remain in Government service and put his wealth of experience and commonsense to use in a critical area. I know that members will join me in wishing Bob well and every success in his new responsibilities.

Mr. BAKER. Mr. President, I join Senator DOLE—and I am sure every other Senator—in expressing our regret that Bob Lighthizer is leaving the service of the Senate.

He has served well as the chief counsel and staff director of the Finance Committee and prior to that as minority counsel for the Finance Committee.

Bob Lighthizer is one of those bright young men who made the Senate function, and I am sure he will bring the same talents to the Office of the Special Trade Representatives.

I wish him well in his new endeavor.

Mr. MATHIAS. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. MATHIAS. Mr. Lighthizer is a citizen of the Free State of Maryland. We are extremely proud of him, and I wish to associate myself with the remarks of the distinguished majority leader.

Mr. BAKER. I thank the Senator from Maryland.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. MATHIAS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### NATIONAL LABOR RELATIONS BOARD

The legislative clerk read the nomination of Patricia Diaz Dennis, of California, to be a member of the National Labor Relations Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### NATIONAL SCIENCE FOUNDATION

The legislative clerk read the nomination of Edward A. Knapp, of New Mexico, to be Director of the National Science Foundation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

### JOSEPH SHERICK NOMINATION

Mr. BAKER. Mr. President, I ask unanimous consent that the order of the Senate of March 17, 1983, relating to the referral of the nomination of Joseph Sherick to be Inspector General of the Department of Defense be modified to provide that the Committee on Governmental Affairs be discharged from further consideration of the nomination on April 26, 1983, if the nomination has not been reported to the Senate by the Governmental Affairs Committee by that date.

The PRESIDING OFFICER. Without objection, it is so ordered.

### LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR RECORD TO REMAIN OPEN TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD of today's proceedings be held open until 3 p.m. today for the insertion of state-

ments and the introduction of bills, resolutions, petitions, memorials, and so forth.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have no further business to transact. I will inquire of the minority leader if there is anything further to do.

Mr. BYRD. Mr. President, one of my staff members is checking out a matter and I will respond shortly.

Mr. BAKER. Very well.

Then, Mr. President, in the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEPSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### INTERNATIONAL TRADE AND INVESTMENT ACT

Mr. JEPSEN. Mr. President, today we are considering the International Trade and Investment Act of 1983. This bill seeks to establish reciprocity in the trade relationships between the United States and other nations. As a long-time supporter of free trade, I have hesitated to support more Federal involvement in international commerce. However, the exclusionary practices, subsidies, and other tactics employed by some of our trading partners have taken a heavy toll on U.S. business. It has gotten to the point where some kind of change is clearly necessary. I am all for free trade but I am not for unfair trade.

In addition, Mr. President, I support the Kasten amendment to S. 144 and, in fact, I am a cosponsor.

By now it has become crystal clear that the American people resent and oppose the concept of tax withholding on dividend and interest income.

According to the Treasury Department, an overwhelming majority of the people already pay taxes due on this income, and to catch a very small number of cheaters, to bring this compliance up from the low 90's to the 97.3 percent average compliance, we would penalize the overwhelming majority of honest American savers and investors as well as impose excessive costs on financial institutions.

The central issue is not the banking lobby. The issue is that millions of savers and investors in this country consider tax withholding obnoxious, cumbersome—in fact, I have received more than 105,000 letters and postcards from Iowans objecting to this tax.

The writers include farmers, senior citizens, business people, consumers, and taxpayers all of them. And they are not all just routine postcards sent through the mail. Over 25 percent of all of my correspondence has been individually handwritten.

With expanded reporting in effect, the IRS has the information it needs to enforce the law. All it has to do is match 1099 forms with tax returns. The issue of tax withholding really boils down to one of administrative convenience for IRS versus administrative inconvenience to financial institutions and millions of Americans. Instead of using information the IRS already has, we are to have the financial institutions collect taxes at enormous cost to them and the public.

To me it seems more rational to let the tax collectors do the tax collecting through already established procedures instead of harassing our citizens and financial institutions.

Perhaps the most important reason to delay withholding is its likely effect on saving and investment.

Everyone knows that over the years our economy has suffered from inadequate capital formation. The administration's tax reduction program was structured to increase saving and capital formation. But withholding would undercut the previous tax incentives. The cost to savers and investors could exceed \$1 billion annually.

The startup costs imposed on financial institutions could amount to \$2.5 billion, and annual maintenance about \$1 billion thereafter. These additional costs will ultimately be passed on, and have a negative impact on saving and investment.

Mr. President, given the magnitude of the cost involved, both economically and emotionally, we should stop the implementation of this withholding. We should support the Kasten amendment and repeal this legislation and do it with some dispatch, Mr. President, I support the amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ADJOURNMENT TO MONDAY, APRIL 18, 1983

Mr. BAKER. Mr. President, I have conferred with the minority leader. He has indicated he has no further business he wishes to present to the Senate. There is no other Senator now seeking recognition.



Mr. President, I move in accordance with the order previously entered, that the Senate now stand in adjournment until Monday next.

The motion was agreed to; and, at 2:35 p.m., the Senate adjourned until Monday, April 18, 1983, at 12 noon.

## NOMINATIONS

Executive nominations received by the Senate April 15, 1983:

### OFFICE OF PERSONNEL MANAGEMENT

David H. Martin, of Maryland, to be Director of the Office of Government Ethics, vice J. Jackson Walter, resigned.

### IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

#### To be general

Gen. James R. Allen, FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

#### To be general

Gen. Thomas M. Ryan, Jr., FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

#### To be general

Lt. Gen. Andrew P. Iosue, FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

#### To be lieutenant general

Maj. Gen. Kenneth L. Peek, Jr., FR, U.S. Air Force.

### IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

#### To be lieutenant general

Lt. Gen. Harry A. Griffith, (age 58), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

#### To be lieutenant general

Maj. Gen. Arthur E. Brown, Jr., U.S. Army.

### IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

#### To be vice admiral

Vice Adm. Lando W. Zech, Jr., 1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601 to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601.

#### To be vice admiral

Vice Adm. William P. Lawrence, 1310, U.S. Navy.

### IN THE NAVY

The following-named temporary captain of the U.S. Naval Reserve for permanent promotion to the grade of captain, in the line, as indicated, subject to qualifications therefor as provided by law:

#### LINE

Clarke, Brandon O.

The following-named temporary commanders of the U.S. Naval Reserve for permanent promotion to the grade of commander, in the line and staff corps, as indicated, subject to qualifications therefor as provided by law:

#### LINE

Husbands, Robert A.

Murphy, Thomas A.

Sullivan, Timothy B.

### MEDICAL CORPS

Gibbs, Steven C.

Polland, Calvin L.

Rabetoy, Gary M.

### DENTAL CORPS

Brian, John D., Jr.

The following-named temporary lieutenant commanders of the U.S. Naval Reserve for permanent promotion to the grade of lieutenant commander, in the line and staff corps, as indicated, subject to qualifications therefor as provided by law:

#### LINE

Brown, John M.

Richards, David S.

Smith, Gene A.

### MEDICAL CORPS

Karlin, Charles A.

Schwartz, John C., Jr.

### JUDGE ADVOCATE GENERAL'S CORPS

Kennedy, Mike O.

The following-named officer of the Supply Corps of the U.S. Navy, for appointment in the line as permanent lieutenant, subject to qualifications therefor as provided by law:

Gangler, Douglas N.

The following-named officers of the line of the U.S. Navy, for appointment in the Supply Corps, as permanent lieutenant, subject to qualifications therefor as provided by law:

Berry, Vance D.

Hickman, John R.

Laughlin, Larry M.

McCurry, Patrick T.

Workman, Orus B.,

III

The following-named officers of the line of the U.S. Navy, for appointment in the Supply Corps, as permanent lieutenant, subject to qualifications therefor as provided by law:

Butrym, Kenneth P.	Mikula, Kevin E.
Claussen, Mark D.	Pedrick, Merritt W.,
Gravelly, Harry A.	III
Hill, Michael L.	Rakel, Jerome P.
Mathews, Peter	Wall, Richard A.

The following-named officers of the line of the U.S. Navy, for appointment in the Supply Corps, as permanent lieutenant (junior grade), subject to qualifications therefor as provided by law:

Hubbard, Barry D.	Schneider, Eddy E.
Hurley, James J.	Vaughan, David D.
Rackliffe, John A.	

The following-named officers of the line of the U.S. Navy, for appointment in the Civil Engineer Corps, as permanent lieutenant (junior grade), subject to qualifications therefor as provided by law:

Ashley, Mark C.  
Jackson, Gary W.  
Matthew, George C., III

The following-named officers of the line of the U.S. Navy, for appointment in the Supply Corps, as permanent ensign, subject to qualifications therefor as provided by law:

Barber, Christopher J.	Smellow, Daniel B.
Garvey, Paul C.	Wilson, Mark C.
Kojm, Leonard R., Jr.	

Executive nominations received by the Secretary of the Senate after the adjournment of the Senate on April 15, 1983, under authority of the order of the Senate of April 15, 1983:

### UNITED NATIONS—INTERNATIONAL ATOMIC ENERGY AGENCY

Richard Salisbury Williamson, of Virginia, to be the Representative of the United States of America to the Vienna Office of the United Nations and Deputy Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

## CONFIRMATIONS

Executive nominations confirmed by the Senate April 15, 1983:

### NATIONAL SCIENCE FOUNDATION

Edward A. Knapp, of New Mexico, to be Director of the National Science Foundation for a term of 6 years.

### NATIONAL LABOR RELATIONS BOARD

Patricia Diaz Dennis, of California, to be a member of the National Labor Relations Board for the remainder of the term expiring August 27, 1986.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### OFFICE OF THE U.S. TRADE REPRESENTATIVE

Robert Emmet Lighthizer, of Maryland, to be a Deputy U.S. Trade Representative, with the rank of Ambassador.